

RESOLUTION R2006 130

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING A USE PERMIT(UP-1), USE PERMIT(UP-2), DESIGN REVIEW (DR-1), A TENTATIVE SUBDIVISION MAP, AND DESIGN REVIEW (DR-2) FOR CECILE COURT SUBDIVISION (#05-0198)

WHEREAS, Pat Hodge has submitted applications for a Use Permit (UP-1), Use Permit (UP-2), Design Review (DR-1), A Tentative Subdivision Map, and Design Review (DR-2) to subdivide a 1.07-acre property at 4060 Lloyd Drive (APN: 007-161-002) into 6 residential lots and construct 6 single family dwellings thereon; and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on June 1, 2006 on the subject application and recommended approval of the project; and

WHEREAS, the City Council of the City of Napa, State of California, held a noticed public hearing on July 18, 2006 on the subject application; and

WHEREAS the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City staff, and any information provided during public meetings.

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

1. The City Council hereby finds that the facts set forth in the recitals to this resolution are true and correct, and establish the factual basis for the City Council's adoption of this resolution.
2. The City Council determines that this project is exempt from the requirements of CEQA pursuant to Section 15332 of the Guidelines (Categorical Exemptions; Class 32) which exempts in-fill development.
3. The City Council makes the following Use Permit findings in relation to the small lot development standards (UP-1):
  - 1) 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.

As discussed in the Analysis above, the project is consistent with Single Family Infill General Plan designation and all applicable General Plan policies, and is further consistent with the purpose of the RS-5 zoning district.

- 2) 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 use of Small Lot Development standards to reduce side yards for five lots is relatively insignificant, and would not result in any impacts to adjoining properties or any detriments to the public health, safety and welfare associated with the proposed use. The reduced yards all occur between lots within the subdivision and not adjacent to existing off-site lots.

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

The use of Small Lot Development standards for reduced side yards is consistent with all other applicable provision of the Zoning Ordinance.

4) The development is compatible with the neighborhood; dwellings are proportionate to the lot size and meet the city's Residential Design Guidelines.

Lot sizes and dwelling massing are similar to that found in the surrounding neighborhood.

4. The City Council makes the following Use Permit findings in relation to the modification of parking requirements (UP-2):

1) 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.

As discussed in the Analysis above, the project is consistent with Single Family Infill General Plan designation and all applicable General Plan policies. Section 17.54.040.B of the Code states that parking standards may be modified with Use Permit approval to provide parking that is "fair, equitable, logical and consistent with the intent of this chapter." Staff believes that the inherent limitations of trying to provide street parking for lots on a cul-de-sac bulb support a "fair" reduction of on-street parking from six to five spaces. Each lot will have four on-site spaces.

2) 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 minor reduction of on-street guest parking by one space is not deemed to be detrimental to the public health, safety and welfare.

3) The proposed use complies with each of the applicable provisions of the Zoning Ordinance.

The reduction of on-street parking by one space does not conflict with any other applicable provisions of the Zoning Ordinance.

5. The City Council makes the following Design Review findings in relation to the subdivision design (DR-1):

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

The proposed Tentative Subdivision Map improvements and single-family use of the property are consistent with the Single Family Infill General Plan as discussed in the Analysis above.

2) The project design is consistent with applicable Design Review Guidelines adopted by the City Council.

The design of the Tentative Parcel Map appears consistent with the guidelines for "evolving infill areas" contained in the Residential Design Guidelines as discussed in the Analysis above.

3) 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.

The Design Review permit is consistent with Title 17 of the Municipal Code (Zoning Ordinance), and staff

has not identified any effects of from this 6-lot subdivision that would have an adverse affect on public health, safety or welfare.

6. The City Council makes the following Tentative Subdivision Map findings:

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

The proposed subdivision, improvements and single family use of the property are consistent with the Single Family Infill General Plan designation as discussed in the Analysis above.

2) The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.

The proposed lot configuration allows for passive heating and cooling opportunities with building orientation and landscaping.

7. The City Council makes the following Design Review findings in relation to the house designs (DR-2):

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

The proposed single family dwellings are consistent with the Single Family Infill General Plan designation as discussed in the Analysis above.

2) The project design is consistent with applicable Design Review Guidelines adopted by the City Council.

As discussed in the Planning Commission staff report, the project is generally consistent with the Residential Design Guidelines.

3) 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.

The Design Review permit is consistent with Title 17 of the Municipal Code (Zoning Ordinance), and staff has determined that the construction of 6 single-family homes within a neighborhood of existing single family dwellings will not have an adverse affect on public health, safety or welfare.

8. The City Council hereby approves the Use Permit (UP-1), Use Permit(UP-2), Design Review (DR-1), Tentative Subdivision Map, And Design Review (DR-2) for Cecile Court Subdivision as described In Exhibits A - D attached to the Planning Commission staff report of June 1, 2006 which is on file in the Community Development Department – Planning Division, subject to the following:

SPECIAL CONDITIONS:

Planning Commission

1. The loss of the oak tree shall be further mitigated by the planting of a minimum of three large box trees on site. The location and species of these trees shall be subject to Planning Division approval.

Community Development Department – Planning Division

2. The Planning Commission delegates to the Planning Manager the determination of "substantial conformance" with the approved plans.

3. The rear facing second floor bedroom window for the home on Lot 2 shall be relocated from the northwest wall to the northeast wall.

4. The removal of the existing Valley Oak shall be subject to the mitigation requirements set forth in Section 12.45.100 of the Napa Municipal Code, with preference given to on-site replacement.

5. The front yards of the residential units shall be landscaped prior to issuance of a Certificate of Occupancy for the corresponding unit.

6. All project signage for the project shall be subject to a separate review and approval.

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

Community Development Department – Development Engineering Division

8. Approval of this project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Napa Municipal Code and the Public Works Department Standard Specifications and Standard Plans the Manual on Uniform Traffic Control Devices – 2003 Edition and its California Supplement and the Caltrans Highway Design Manual.

9. The Developer shall construct all on and offsite improvements in accordance with improvement plans and supporting calculations that are prepared by a registered civil engineer and reviewed and approved by the City of Napa Community Development Department (CDD) Engineering Division. The improvement plans and supporting calculations shall include detailed designs for all utilities, water, grading, drainage, erosion control and paving. The plans and calculations must be approved by the City Engineer prior to the approval of the Final Map.

10. The improvement plans shall be prepared in accordance with (and submittals shall be accompanied by) the "Initial Submittal Checklist", the "Improvement Plan Checklist", and the "Subdivision Map Checklist". The checklists are available on the City of Napa Website ([www.cityofnapa.org](http://www.cityofnapa.org)) under the Community Development Department Development Engineering Division menu.

11. The following items shall be installed by the Developer and shown on the improvement plans prior to approval of the plans:

a. The project shall provide a stop sign, stop bar, legend, and 50 feet of centerline striping on the new street approach to Lloyd Drive.

b. The Developer shall install pedestrian ramps at the frontage of Lot 1 on the north side of Cecile Court and at the southeast corner of the Lloyd Drive/Cecile Court intersection. The

pedestrian ramps shall conform to ADA standards and the City of Napa Public Works Department Standards. In order to provide visibility and maintain clear access to the wheelchair ramp on the north side of Cecile Court, there shall be 10 feet of red curb on either side of the ramp.

c. Lot grading and drainage system improvements shall be installed by the developer as part of the parcel map improvements. Constructed lot pad elevations shall not deviate more than 0.5 feet from the pad elevations shown on the tentative map.

d. The tentative map shows surface storm water runoff from Lot 5 flowing onto and across the southern portion of Lot 6. A storm drain pipe and inlets are to be installed as required to intercept the Lot 5 runoff and convey it underground (across Lot 6) to the storm drain detention basin. Drainage easements are to be established in accordance with the City of Napa Standards.

e. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the Public Works Department Standard Specifications. Street improvements shall include curbs, gutter, 4 foot sidewalk, 6 foot planting strip, streetlights, street trees, driveway approaches and drainage facilities. Any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City. The gutter pan cross slope on the north side of the street is allowed to vary as necessary to allow sheet flow from the north side lots to the Lot 6 detention/treatment facility. Details and limits of affected non-standard gutter pans are to be shown on the improvement plans.

f. Cecile Court shall include a 36 foot curb-to-curb street width. The cul-de-sac shall be designed and constructed consistent with City of Napa Standard detail S-7 except that a 30 foot face of curb radius bulb is allowed. The Cecile Court curb line configuration and parking space layout shown on the tentative map as revised May 5, 2006 is acceptable. It should be noted that current City of Napa policy requires 40 foot curb radius cul-de-sac bulbs with parking. This application was begun prior to establishment of the current policy and is therefore allowed to proceed with the reduced 30 foot curb radius bulb.

g. Because the radius of the cul-de-sac bulb is proposed to be 30 feet, on-street parking shall be prohibited on all parts of the cul-de-sac bulb and the remainder of Cecile Court except where parking is shown on the revised May 5, 2006 tentative map. Curbs along the portions of Cecile Court where parking is prohibited shall be painted red and be supplemented by signs (R26F - No Stopping Fire Lane).

h. The project driveways and street corners shall be designed to satisfy Caltrans sight distance standards and the City of Napa Visibility and Fencing Standard (Std. Detail S-25). The sight distance and visibility triangle lines shall be shown on the grading and drainage plans. The visibility height limits are measured from the top of curb of the fronting street to the top elevation of the obstruction. In particular, any obstructions such as shrubs, fences, or landscaping within visibility triangle area shall comply with the standards.

i. The grading and drainage plans shall be prepared for the project that includes a design that allows for a 100-year overland release. All graded building pads shall be above the 100-year overland release elevation.

j. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.

k. Storm drains within the public right of way shall have a minimum 15 inch diameter.

l. The grading plans provided by the Developer for review shall include the existing topography shown with contour line labeled at one foot intervals and extending a minimum of 100-feet beyond the limits of the site, or a sufficient distance to indicate impacts on adjacent properties.

m. All public street pavement structural section installations shall include a minimum of 3 inches of Asphalt Concrete over 10 inches of Class 2 Aggregate Base material.

n. The Developer shall grant 10 foot wide public utility easements adjacent to the public street right-of-way. The easement shall be dedicated and shown on the Final Map and shown on the improvement plans.

o. Any retaining walls which are greater than one foot in height, which are adjacent to a property line, shall be masonry or concrete. Wood retaining walls shall not be installed adjacent to property lines.

p. Side yards of each lot shall have of a minimum unobstructed width of five (5) feet. No building encroachments, door landings or mechanical equipment shall be placed in this unobstructed area without the review and approval of the Community Development Department Engineering Division in order to assure adequate drainage.

q. It is the City's policy to require all new parcels to be graded to drain independently from adjoining parcels. If surface drainage is currently passing from adjoining properties onto the subject property, the grading plan for the project shall be designed to continue to accept such drainage and easements shall be established to allow such drainage patterns to continue. All surface drainage must be collected and conveyed to a public street, storm drain or approved outfall.

r. The improvement plans shall include a Joint Trench Plan.

s. The improvement plans shall include an Erosion Control Plan.

t. The improvement plans shall include a Construction Traffic Control Plan.

u. The improvement plans shall include a Public Street Repair Plan (showing the repair details and limits of repair) for all improvement installations that will result in the cutting, demolition, destruction, etc. of any existing improvements within the public right of way including but not limited to the installation of curb, gutter, sidewalk, utilities (water, sewer, storm drain, electrical, cable TV, telephone, etc.). This plan shall be updated during the construction process as necessary to reflect any unanticipated street repairs. Associated with said plan are the following requirements:

(1) The Developer shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of either a 1 inch asphalt concrete overlay, or petromat with a minimum 1 ½ inch asphalt concrete overlay, depending upon the extent of the proposed pavement cuts and the condition of the existing pavement section, as determined by the City Engineer. Developer shall also provide digouts and reconstruction of any potholed and/or alligatored areas. Installation of street paving by the Developer shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the Community Development Department Engineering Division and approved by the City Engineer as part of the construction plan review.

(2) The Developer shall repair all pavement, curb, gutter and sidewalk that are damaged by the construction process in accordance with The Public Works Department Standard Specifications and Standard Plans.

(3) Any unanticipated street cuts or other street repair items that become evident following improvement plan approval shall be included by way of revisions to the Street Repair Plan.

v. Post Construction Water Quality Measures – In accordance with the Residential "City of Napa Public Works Department: Policy and Procedure for Post-Construction Best Management Practices, Storm Water Pollution Prevention" (adopted by the City Council July 6, 2004 to clarify the NPDES General Permit requirements), the developer shall incorporate post development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality.

(1) The post construction BMP measures shall be installed by the developer and designed by a registered civil engineer in accordance with an accepted design method (that has been reviewed and approved by the CDD Engineering and Bridge and Urban Drainage Divisions) such as that which is outlined in the "California Storm Water Association BMP (CSWA-BMP) Handbook".

(2) All post-construction BMP's shall be shown and listed on the project improvement plans.

(3) Additional potential BMP's are listed in the CSQA-BMP Handbook and "Start at the Source" (a design guidance manual for storm water quality protection prepared for the San Francisco Bay Area Storm water Management Agencies Association).

(4) The project post-construction BMP's shall include but not be limited to the items listed in the City Council adopted Policy and Procedure document and shall conform to the design criteria limits listed.

(5) The Regional Water Quality Control Board monitors the City with respect to meeting the goals of the NPDES General Permit. They have indicated that aboveground BMP's such as

vegetated (grassy) swales (CSWA BMP Handbook Section TC-30) and bio-retention (CSWA BMP Handbook Section TC-32) are required. Underground treatment vaults (CSWA BMP Handbook Section MP-50) and other underground systems are allowed only as required to supplement aboveground methods.

w. The Developer shall provide a set of the project improvement plans to the Water Division for review and approval of the following items:

(1) The plans shall show all existing and proposed public water facilities and easements within a minimum of 50 feet of the proposed project boundaries.

(2) The existing  $\frac{3}{4}$ " service (Acct. No. 303 7837) shall be abandoned at the City water main.

(3) New water mains shall be installed within the public street section at a minimum of 5-feet from the face of curb.

(4) A new fire hydrant shall be installed at the end of the proposed water main and used as the blow-off for the main.

(5) All new and existing public water facilities, including but not limited to water meters, backflow devices, services laterals, and fire hydrants, shall be located outside of all driveways and driveway approaches.

(6) Approved backflow prevention devices shall be installed on all new and existing domestic water services.

(7) No signs, fences, trees, foundations, or other permanent structures shall be installed within 10 feet of a City water main, or within a public water utility easement.

(8) Proposed separations between public water facilities and other utilities shall meet the required minimum separations as specified by the Department of Health and the City of Napa Public Works Standards and shall be approved by the City of Napa Water Division.

(9) All proposed hot taps to an existing City water main shall be marked out as "Hot Tap By City Forces at Contractor's Expense".

x. For 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.

y. Storm Drainage Detention System – The Developer shall install storm drain detention system improvements as required to maintain post development 10 year, 25 year and 100 year runoff from the site at pre-development levels.

(1) The detention system storm drain inlets sized to pass at a minimum the 100-year flows.

(2) Detention facilities shall be located entirely on private property (outside of the public rights of way) and shall be privately maintained.

12. The Developer is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The developer shall relocate or underground any overhead utilities that conflict with the new improvements.

13. Any work performed on neighboring properties shall be done in accordance with temporary construction easements from the impacted neighbor(s). The easements shall be obtained with copies submitted to the CDD Engineering Division for review prior to the approval of the improvement plans.

14. The Developer shall connect the project to the Napa Sanitation District for sanitary sewer service. Sewer services shall show on the improvement plans and shall be installed in accordance with Napa Sanitation District standards and reviewed and approved by the Napa Sanitation District.

15. Earthwork fills will take place within the drip-line of an onsite oak tree at Lot 1. Project improvements shall be constructed in accordance with the requirements of a report prepared by an arborist. Prior to improvement plan approval, the Arborist Report shall be reviewed and approved by the

Community Resources Department and Planning Department and shall provide recommendations regarding tree preservation.

16. The Developer and the construction contractor shall satisfy the requirements stated in the following notes. The Developer's engineer shall include the following notes on the improvement plans prior to approval of the plans by the CDD Engineering Division:

a. No grading and/or excavation shall be performed except in accordance with the approved erosion control plan and schedule. The contractor shall hydro-seed slopes and install the appropriate erosion control measures prior to October 1, and shall provide sufficient maintenance and irrigation of the slopes such that growth is established by November 1.

b. During the course of the project construction (including non-working hours), the contractor is to provide appropriate signage, flashers, and barricades for open trenches that are approved by the Community Development Department Engineering Division Construction Inspector to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.

c. Any existing pedestrian access through and/or adjacent to the project site shall remain unobstructed during the project construction or an alternate route shall be established as approved by the Police Chief and City Engineer.

d. During the course of the project construction, all project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications.

e. Grading and construction equipment shall be shut down when not in use.

f. For all construction activity the contractor shall control dust in accordance with the requirements of the City of Napa Public Works Department Standard Specifications and Standard Plans (Part II – General Provisions – Dust Control); the National Pollution Discharge Elimination System requirements; and the California Department of Transportation Construction Manual (Chapter 4 – Construction Details – Section 10 Dust Control). Use of any City of Napa water for this purpose shall be from a metered source that is approved by the City of Napa Water Division and shall be requested in writing by the Contractor.

g. During the construction/demolition/renovation period of the project, the contractor 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 contractor transports project waste. If the contractor transports the project's waste, the contractor must use the appropriate landfill for the service area in which the project is located.

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

17. The overall project grading involves an area of disturbed surface soil that is greater than or equal to one acre, therefore the project property owner shall file a Notice of Intent (NOI) with the State Water Resources Control Board and prepare a Construction Storm Water Pollution Prevention Plan prior to any construction activity.

18. Construction Water Quality Measures – In accordance with the NPDES General Permit the property owner is responsible for the incorporation of water quality Best Management Practices (BMP's) into the project construction process. The improvement plans shall include an erosion control plan and a list of BMP's and construction notes that will be incorporated into the construction process as water quality measures as follows:

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

b. The contractor shall incorporate 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. The contractor shall incorporate protected and designated equipment cleanup and fueling areas into the construction operation.

c. 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. The project Storm Water Pollution Prevention Plan is to be available at the construction site. The contractor and project property owner are responsible for insuring that all individuals involved in the construction process have access to the SWPPP and are educated in the plan content details and their particular responsibilities within the plan.

19. Prior to approval of the improvement plans for the project the Developer shall submit documentation to the CDD Engineering Division for review and approval that indicates that the following items have been addressed:

a. The Developer shall pay all water connection fees to the Water Division prior to the approval of the improvement plans. No inspections or water service from the Water Division will be initiated until all connection fees for the project have been paid. Fees can be paid at the Water Division office, 1340 Clay Street, in Napa.

b. Developer shall provide an erosion and sediment control plan and a schedule for implementation of approved measures to the CDD Engineering Division for review and approval with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion control plan is approved.

c. The Developer shall submit storm drain system design calculations that are prepared by a registered civil engineer for review and approval by the CDD Engineering Division. Storm drain system design flows shall be calculated based on the requirements listed in the City of Napa Public Works Department Standard Specifications and Standard Plans. The calculations shall include a drainage basin map showing basin limits and area in acres, hydrology and system hydraulic calculations, pipe size calculations, inlet capacity calculations, and other information necessary to support the proposed design. Storm drains will be sized to carry the flows generated by the design storm per City of Napa Standards. The storm drain system design calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3') per second when flowing half full (Design Manual Concrete Pipe, Page 7 and Caltrans Highway Design Manual, Page 830-15).

d. The Developer shall submit storm drain detention system supporting calculations for review and approval by CDD Engineering Division prior to improvement plan approval.

e. Preliminary designs and calculations for treatment BMP's have been included with the tentative map. The final design and calculations for grassy swales, bio-retention areas, underground treatment vault systems, detention, and all other treatment systems are to be reviewed and approved by the CDD Engineering Division and the Bridge and Urban Drainage Division prior to improvement plan approval. Treatment systems are to be sized in accordance with calculations that conform to the adopted City Policy and the General Permit criteria.

f. The Developer shall submit copies of the NOI (including the State Water Resources Control Board WDID Number) and the Storm Water Pollution Prevention Plan (SWPPP) (along with a copy of the transmittal that went along with this material to the SWRCB) to the Community Development Department Engineering Division prior to the commencement of any project construction activity and the issuance of a building permit, grading permit or improvement plan approval.

g. The Developer shall submit to the Community Development Department Engineering Division a Soils Investigation/Geotechnical Report in accordance with Section 16.36.200 of the City of Napa Municipal Code with the first improvement plan submittal. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to improvement plan approval. The geotechnical engineer shall also assume responsibility for inspection of the work and prior to acceptance of the work shall certify to the City that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of building plans in accordance with Title 15 of the City of Napa Municipal Code.

20. The Developer shall submit the project Final Map for review by the CDD Engineering Division and approval by the City Engineer. Prior to Final Map approval items shall be completed as follows:

a. Prior to approval of the Final Map 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 storm water detention system and structural storm water pollution reduction devices or treatment control Best Management Practices (BMPs) that are incorporated as part of the project. The Developer has indicated that the agreement will identify the owners of the individual lots upon which the BMP's are located as responsible for satisfying these requirements.

(1) 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.

(2) 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.

(3) The documents shall be recorded contemporaneously with the final map.

b. Prior to approval of the Final Map, the Developer shall either install all onsite and offsite improvements or work with the CDD Engineering Division to execute the City's Standard Improvement Agreement, provide bonds and provide proof of workers compensation insurance and general liability insurance in the forms and amounts as required by the Risk Manager and City Attorney. Typically one million dollar general liability insurance is required.

c. Prior to approval of the Final Map, the Developer shall furnish the Community Development Department Engineering Division with proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.

21. Any additional right-of-way necessary to accommodate the project public street improvements shall be dedicated to the City by the Developer on the Final Map.

22. Type C drainage easements shall be established for the drainage facilities shown on the plans in accordance with the City of Napa Public Works Department Standard Specifications and Standard Plans, Drainage Easements. All drainage easements must be shown on the grading plans and offered for dedication to the City on the Final Map.

23. The developer shall obtain approval from all parties owning an interest in any existing rights-of-way or easements within the subdivision, which are proposed to be changed, modified, or deleted. Deeds shall be recorded concurrently with the Final Map to reflect the proposed revision, modification or removal of any existing rights-of-way or easements. The deeds shall be submitted to the CDD Engineering Division and shall be in forms approved by the City Attorney.

24. Fees

a. Street Improvement Fee

(1) In order to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collector street system, the Developer 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 this project.

(2) Per the Standard Fees and Charges for Fiscal Year 2005/2006 (Policy Resolution 16), the current rate for the Street Improvement Fee for this project is \$3,796 per new dwelling unit.

b. Linda Vista Specific Plan Area Fee (LVSPAF)

(1) The project is in the Linda Vista Specific Plan Area and the related fees apply. Prior to the issuance of the individual building permits for the project, to mitigate storm water runoff impacts and the cumulative impact of the traffic generated by the subject project on the City's street system the developer shall pay fees in accordance with the Linda Vista specific plan to cover their fair share costs for the improvements identified in that document. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the Circulation Fee (based on the project trip generation rates) and the calculation of the Drainage Fee (based on the project drainage basin area) demonstrate that there is a reasonable relationship between the amount of the fees imposed and the cost of the street and drainage system improvements attributable to this project.

(2) The developer shall pay a LVSPAF of \$4,123 per new dwelling unit (DU).

c. The above fee amounts are provided based on the current rates. City fee amounts are updated periodically. The developer shall pay the fees based on the rate in effect at the time of payment.

d. The above per-dwelling-unit fee amounts shall be paid prior to issuance of the individual building permits.

25. Prior to issuance of a certificate of occupancy for the project the Developer shall submit documentation to the Building Division for review and approval that indicates that the following items have been completed as reviewed and approved by the CDD Engineering Division:

a. The Developer shall 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 Water Division after obtaining a building permit specifying the requirements for the proposed project.

b. The improvements identified on the Public Street Repair Plan shall be completed.

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

d. Installation of street paving by the Developer shall be completed and shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the CDD Engineering Division and approved by the City Engineer as part of the construction plan review. Any necessary pavement conforms shall be installed prior to occupancy.

e. Developer shall replace any damaged curb and gutter along street frontages in accordance with Public Works Department Standard Specifications prior to occupancy.

f. All onsite and offsite improvements shall be installed prior to occupancy.

g. The Developer shall submit to the CDD Engineering Division all improvement plans in digital auto-cad format, compatible with the City's current version, and tied to the City's coordinate system for all storm drain facilities, water lines, lot lines, sanitary sewer lines, sidewalks and streets. Auto-cad files shall be updated for as-built information and submitted to and approved as complete by the Community Development Department Engineering Division prior to occupancy.

26. The Developer shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the project or to satisfy required project mitigation measures and/or conditions prior to Final Parcel Map approval or occupancy if no map is required.

27. Prior to initiation of water service:

a. The Developer shall have all backflow devices installed. The Developer shall have all backflow devices tested by an AWWA certified tester from a list of testers provided by the City of Napa. The test results shall be submitted by the Developer to the City of Napa Water Division.

b. The Developer shall pay all meter set fees and hot tap fees to the Water Division at the time of installation. Fees shall be paid at the Water Division office, 1340 Clay Street, in Napa.

#### Fire Marshall

28. In recognition of the need to meet additional emergency services generated by the cumulative development created by this project, the developer shall pay the Paramedic and Fire Development fee required by the Napa Municipal Code prior to the issuance of a building permit.

29. Cul-de-sac shall be designed to accommodate the turning radius of a City fire truck. Parking is prohibited within a 60' cul-de-sac. Submit a turning template for review and approval prior to the recordation of the parcel map.

30. All new buildings shall have an automatic fire sprinkler system installed in accordance with provisions set forth in the Uniform Fire Code as amended by the City and National Fire Protection Association Standard 13D. Plans and calculations shall be submitted and approved prior to the issuance of a building permit.

31. Required fire flow shall be provided in accordance with Appendix III-A of the Uniform Fire Code. Fire flow shall be available prior to combustible construction.

#### Environmental Management

32. If this parcel is presently are serviced by individual sewage disposal system, the existing structure(s) must be demolished and/or connected to the prior to any clearing, grubbing or grading on any parcel. Until such time, the septic system must be protected from damage. Upon connection of the structure to Napa Sanitation District, or demolition of the structure, the existing septic tank must be properly destroyed.

33. If any well(s) are to be destroyed, a well destruction permit must be obtained by a licensed well driller, from the Napa County Department of Environmental Management.

#### Napa Sanitation

34. The District does not allow vertical grade breaks in sanitary sewer mains. The owner will be required to install an additional manhole west of the 24" storm drain crossing in Lloyd Drive in order to drop the elevation of the proposed sanitary sewer main and obtain the required 2 feet minimum cover.

35. As presently designed, the sanitary sewer laterals do not have the required 2 feet minimum cover at the gutter lip. It appears that the proposed street will need to be raised approximately 6" to meet the minimum cover requirements.

36. The owner shall obtain a demolition permit from the District prior to removal of the existing single family dwelling. Demolition credits shall be valid for a period of two years from the date the demolition permit is issued.

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

38. 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.

39. The owner/developer shall enter into a subdivision agreement with the District, and post the appropriate bonds covering the sanitary sewer work.

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

- a. Demolition Permit (presently \$35.00 per lateral)
- b. Plan Check Fees (presently \$40.00 per lot)
- c. Inspection Fees (presently \$1.25 per lineal foot for main lines and \$35.00 per each 4" street lateral and \$35.00 per each 4" onsite lateral)
- d. Connection Fees (presently \$5,660.00 per single family dwelling)

**CITY GENERAL CONDITIONS:**

**Community Development Department – Planning Division:**

41. 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.

42. No use authorized by a use permit or planned development permit may commence until after the Developer executes any required permit agreement.

**Community Resources Department:**

43. Developer shall submit a conceptual street tree planting plan (to be included in any required improvement plan) for all public streets for approval by the Public Works Director; in the event Developer utilizes a curb adjacent sidewalk, Developer shall submit a conceptual private tree planting plan for approval. For subdivision projects, Developer shall enter into an agreement satisfactory in form and security to City to plant and maintain the required street trees prior to the approval of a Final or Parcel Map. For projects other than subdivisions, Developer shall plant trees shown on the City's approved Street Tree List in accordance with the Standard Specification for Public Improvements and approved conceptual tree planting plans prior to City's issuance of an occupancy permit or commencement of the use.

44. Developer shall maintain (which term includes replacement) the trees in a healthy, vigorous and growing condition for a period of three (3) years from the date of planting. If at the end of the three (3) year period the trees are not in a healthy, vigorous and growing condition, at the option of the Community Resources Director, the Developer shall replace the tree(s) and/or the Developer's maintenance obligation may be extended for an additional one (1) year period.

45. Developer shall submit to and receive approval from the Community Resources Department of a plan for privately funded long-term maintenance of the side-on and/or back-on landscaping for any subdivision. Prior to final map approval, documents or other evidence assuring implementation of the plan satisfactory to the City Attorney shall be in place.

**Housing Authority:**

46. Unless otherwise provided, Developer shall, in the case of new non-residential development projects, pay the required Housing Impact Fee or, in the case of residential development projects, construct the affordable unit(s) or pay the In-Lieu Fee in accordance with the terms of NMC Chapter 15.94. Fees shall be payable at the rate in effect at the time of payment. The findings set forth in NMC Chapter 15.094 and Resolution No. R1999 161 are incorporated herein. The City further finds that there is a reasonable relationship between the fees imposed and the costs of the facilities attributable to this project.

General:

47. Developers shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (see Policy Resolution 16 as amended for a partial listing of applicable fees and Policy Resolution 16 or individual departments regarding the timing of fee payment requirements).

48. The authorized project is limited to the project as described in Developer's application, correspondence and final submitted plans and specifications and in accordance with the Developer's representations and agreements made at the public hearing(s) on the project. All project development, including the design and construction of improvements, shall be consistent with the same. Any future additions, expansions, remodeling, including changes in style, size, height, color, bulk, shall be subject to future review by City.

49. Developer shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, all representations made by Developer, 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, all representations made by Developer, and with the plans and specifications submitted to and approved by City.

50. 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.

51. The Developer shall defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul the approval so long as the City promptly notifies the Developer of any such claim, action, or proceedings, and the City cooperates fully in the defense of the action or proceedings.

52. To the full extent permitted by law, the Developer 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 Developer, 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 Developer so long as City promptly notifies Developer of any such claim, etc., and the City cooperates in the defense of same.

53. Developer shall pay all fees related to filing of environmental documents for the project with the County Clerk.

54. If the Developer 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 Developer.

55. The Developer shall pay all City staff development fees, which are or may become due to City pursuant to Napa Municipal Code Section 2-204, et seq.

56. The conditions (and mitigations) 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.

57. 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.

58. 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.

9. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 18<sup>th</sup> day of July, 2006 by the following vote:

AYES: Krider, vanGorder, Martin, Block and Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: Sara J. Cox  
CITY CLERK OF THE CITY OF NAPA