



Community Development

Friday, 05 August 2016

Karina O'briain
5 Financial Plaza, Suite 200
Napa, CA 94558

via email to kobriain@nvch.org

**Re: Design Review Permit - PL16-0097 - Napa Park Homes Community Room II
790 Lincoln Avenue - APNs 001.193.004 & .016**

Karina O'briain:

This letter is to advise you that on 29 July 2016, Staff determined that your application for a Design Review Permit is complete, exempt from CEQA, and is consistent with the General Plan and Zoning Ordinance. As such, Staff has approved your plans for a non-residential structure at 790 Lincoln Avenue (APNs 001.193.004 & .016), subject to the following conditions.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

1. The plans submitted for building permits shall conform substantially to the plans reviewed and approved by staff (date stamped received 01 July 2016) for a Design Review Permit for a non-residential structure on 20 July 2016 and marked Exhibits A - EE. The plans include the construction of a 2,435 square foot building for use as a resident community room and leasing office.
2. The applicant shall obtain a building permit from the Building Division prior to commencement of any construction.
3. Building permit issuance shall be subject to all other department and/or agency requirements and standards, including, but not limited to: the Building Division, Public Works Department, Development Engineering Division, Fire Prevention Division, Water Division, Napa Sanitation District, the Napa Housing Authority, the Napa Valley Unified School District, Napa Community Resources, and Napa County Environmental Management.
4. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday

and 8:00 a.m. to 7:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor equipment past 6:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.

5. This entitlement shall be valid for a period of two years following the expiration of the administrative action appeal period. In order to avoid expiration of the entitlements, the applicant shall obtain a building permit and have at least one building inspection 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.

COMMUNITY DEVELOPMENT DEPARTMENT - HOUSING DIVISION

6. Project shall be exempt from payment of Affordable Housing Impact Fee in accordance with the Napa Municipal Code Section 15.94.030 provided Napa Park Homes is subject to a recorded regulatory agreement restricting affordability of the project for not less than 55 years.

PUBLIC WORKS DEPARTMENT

7. Applicant shall submit civil grading, drainage and utility plans with supporting documents prepared by a registered Civil Engineer (Engineer of Record) within the context of the Building Permit plan submittal.
 - a. Site plan shall include certain plumbing features more specifically described as follows:
 - i. Connection of proposed water services to existing utilities stubbed to site.
 - ii. Abandonment of any unused water service.
 - iii. Size, type and location(s) of all backflow devices and their configuration (above ground versus utility closet). Installation of any device(s) proposed to be placed inside a utility closet which at a minimum shall outline specific details of the utility closet and device installation specifications. If any domestic and/or fire service double check backflow device is to be installed in a vault, the plans shall include the vault specifications and shall specify that the backflow device(s) are proposed to be placed in a vault.
 - iv. Screening for any above ground backflow devices to address the visual impacts
8. No work may begin without expressed written approval by the City of Napa. Prior to commencing any work, the Applicant shall:
 - a. Pay all current account balances.

- b. Provide the following (as applicable):
 - i. Public Street Repair Plan
 - ii. Utility Plan
 - iii. Storm Water Pollution Prevention Plan (SWPPP)
 - iv. Construction Traffic Control Plan.
- c. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.
- d. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
- e. Provide acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the master project Geotechnical Report.
- f. Comply with City of Napa Erosion and Sediment Control best management practices and good construction housekeeping practices during construction. Applicant/owner is responsible to comply with City of Napa stormwater pollution control ordinance 8.36. Construction Water Quality Measures - In accordance with the NPDES Construction General Permit, 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.
 - i. Project <1 acre of disturbance: Provide an Erosion and Sediment Control Plan (ESCP) See ESCP template at:

http://www.cityofnapa.org/images/publicworks/BUD/escp_reviewprocjun2014.pdf
 - ii. The construction BMP's shall be shown on the project Erosion and Sediment Control Plan.
 - iii. The project property owner shall insure that the contractor manages all construction activities; and handles, stores and disposes of all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to the maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains and solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drains, ground water, and/or waterways.
 - iv. 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.

- v. 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.
- g. Post Construction Water Quality Measures - In accordance with the City of Napa, "BASMAA Post-Construction Manual prepared by the Bay Area Stormwater Management Agencies Associated (BASMAA) Phase II Committee, dated July 14, 2014" the Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality.

http://www.cityofnapa.org/images/publicworks/Stormwater/BAMSAA_PostCon_Manual.pdf

- i. The post-construction BMP's shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).
 - ii. The Landscape plans shall be submitted to the Development Engineering Division with the submittal of the Improvement Plans. Landscape Plans shall illustrate all LID post construction measures and include the required plant species as specified in the BASMAA Post-Construction Manual.
 - iii. The post construction BMP measures shall be installed by the Applicant and designed and sized by a registered civil engineer in accordance with the City's adopted BASMAA Post-Construction Manual and an accepted design method such as that which is outlined in the "California Storm Water Quality Association BMP (CASQA-BMP) Handbook". The design and calculations are to be reviewed and approved by the Development Engineering Division.
 - iv. The project post-construction BMP's shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control Standards, BASMAA Post-Construction Manual and accepted design review Stormwater Control Plan prepared by RSA+ dated June 28, 2016.
- h. 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.
9. The Applicant shall construct all Civil Site Improvements that are to be maintained by the Applicant and/or its successors and/or assigns (i.e. "Private Improvements") as generally shown on the Site Plan and more specifically described below:
- a. Install all new utilities required to serve the project underground.
 - b. Install drainage facilities to collect and convey all surface drainage to a public street, storm drain or approved outfall.
 - c. Install parking area pavement structural section in accordance with site-specific Geotechnical Engineer recommendations or per City Standard Specifications, whichever is greater.
10. Prior to approval of a Building Permit, the Applicant shall:
- a. 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.
 - i. The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
 - ii. The agreement shall be recorded prior to approval of the Improvement Plans. The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Napa shall either be a signatory to the agreement or a third party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney's fees for legal counsel to enforce such obligations.
 - iii. Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
 - iv. Appropriate easements or other arrangements satisfactory to the City Engineer and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.

- v. The owner 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)
- b. Follow and comply with City of Napa Municipal Code 17.38.060 "Floodplain Management Regulations".
- c. Pay all required connection fees at the Water Division office, 1340 Clay Street, Napa.
- d. Pay all current fees and 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 and use in effect at the time of payment.
- e. This project is subject to City Ordinance O2010 18 which requires projects that exceed \$100,000 in building valuation; or exceed 5,000 sq.ft. of new, improved, or remodeled areas to file a Waste Reduction and Recycling Plan (WRRP) with the building permit application. No building permit shall be issued for any project until the Compliance Official has approved the WRRP. The plan shall document that recyclable materials shall be site separated for recycling in order to meet the requirement of the City's construction and demolition debris ordinance—recycling mandatory recyclables and exceeding overall 50% diversion. Official weight receipts for each load shall be obtained.

11. Prior to clearance of buildings for occupancy, the Applicant shall:

- a. Submit an inspector's punch list indicating that all of the "Public Works Inspected Improvements" are constructed to the satisfaction of the City Engineer.
- b. Restore all adjacent off-site road surfaces to pre-project conditions.
- c. Construct all water improvements as generally shown on the approved plans in accordance with City of Napa Public Works Department Standard Specifications and the special conditions listed above.
- d. Submit any remaining meter set and/or hot-tap fees to the Water Division at the time of installation. Submit fees to the Water Division office, 1340 Clay Street, in Napa.
- e. Install approved backflow prevention devices on all new and existing water services in accordance with City Standards.

- f. 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.
- g. Complete the water demand mitigation requirements of this project as specified by the City of Napa Water Division. The Applicant will be contacted by the City of Napa Water Division after obtaining a building permit specifying the requirements for the proposed project.
- h. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in conformance with the recommendations in Soils Investigation/Geotechnical Report.
- i. Complete the Final Stormwater Inspection Sign Off form as specified in the Stormwater Control Plan and include the contractors and engineer of records signature verifying all post-construction bmp's have been installed and inspected as designed per the approved plans. A copy of the form may be requested from the Public Works Development Engineering Division - Stormwater Program.
 - i. 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.
 - ii. All disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the site.
- j. 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.
- k. Provide a digital copy of the Improvement Plans that include all as-built or field changes, in digital AutoCAD format, compatible with the City's current version, and tied to the City's coordinate system.

NAPA SANITATION DISTRICT

- 12. 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.
- 13. No floor drains are allowed in the building except in the restroom and food service areas.
- 14. Sanitary sewer facilities are required to have a minimum of 24" of cover at all points within the public right of way. The proposed sanitary sewer facilities shall be designed to meet this requirement.
- 15. There is an existing sanitary sewer easement on subject parcel. No trees or other permanent structures will be allowed within this easement area. The easement shall

be indicated on the submitted project plans. All sanitary sewer work in the public right of way shall be performed by a Class A licensed contractor.

16. 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. Capacity Charges
17. 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

1. Developer shall pay the required Affordable Housing Impact fee in accordance with the Napa Municipal Code Section 15.94.030. Such fee shall be payable at the rate in effect at the time of payment for the project involved. In accordance with the Municipal Code Section 15.94.030, the Developer may request approval to provide an alternative equivalent to payment of the fee. The findings set forth in Resolution R2016-69 are incorporated herein. The City further finds that calculation of the fee pursuant to the formula set forth therein demonstrates that there is a reasonable relationship between the fees imposed and the cost of improvements attributable to this project.
2. No banner signs or other temporary signs shall be installed without prior approval of a Special Event Sign Permit.
3. 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.
4. 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.
5. 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.

6. No use authorized by this permit may commence until after the Applicant executes any required permit agreement.
7. 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).
8. 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.
9. 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.
10. 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.
11. 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.
12. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest

complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.

13. 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.
14. 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.
15. Approval of this permit will be effective, provided no appeals are received within 10 calendar days of this Administrative Approval and that the property owner and applicant signatures are obtained affirming that they have read, understand and agree to comply with the Conditions of Approval for Application #16-0097.

This action is subject to all other City requirements. Appeals must be filed prior to 5:00 PM on 15 August 2016. If you have any questions regarding this action, or need any additional information, please contact me at 707.257.9354 or at kfelix@cityofnapa.org.

Sincerely,



Karlo Felix
Associate Planner

Enclosures: *none*

Copy: Project File