

RESOLUTION R2016-137

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT, DESIGN REVIEW PERMIT AND TENTATIVE SUBDIVISION MAP FOR ANDERSEN RANCH SUBDIVISION AT 1060 & 1066 WYATT AVENUE

WHEREAS, an application for a Use Permit to authorize an increased density on the :HS, Hillside Overlay district portion of the property and flag lot development, a Design Review Permit for the proposed Tentative Map and single family residences, and a Tentative Subdivision Map to divide the property into 36 single family residential lots and two common area lots was submitted on September 1, 2015 for the property at 1060 and 1066 Wyatt Avenue (APNS 046-083-028 & 046-122-024);

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on September 1, 2016 and has recommended approval of the subject application; and

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

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

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

Section 2. The City Council hereby determines that the potential environmental effects of the Project described in the Agenda Report presented to the City Council at their October 18, 2016 meeting, were adequately examined by the Mitigated Negative Declaration that was adopted by the City Council on October 18, 2016, pursuant to CEQA Guidelines Section 15162.

Section 3. The City Council hereby approves the Use Permit to authorize an increased density on the :HS, Hillside Overlay district portion of the property and flag lot development and makes the following findings in support of the approval:

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

The proposed project is consistent with SFR-174, Single Family Residential General Plan designation which allows for single family development at a density of 2 to 6 units

per acre, and with the RS-5 / RS-7:HS, Single Family Residential, Single Family Residential: Hillside overlay regulations which allow for single family development on minimum lot sizes of 5,000 and 7,000 square feet respectively. The results of the slope density analysis on the hillside designated portion of the site provided a theoretical maximum of 45 units. The actual location of the units is determined by other site constraints and the objectives of the Hillside Guidelines. In some cases, the most appropriate location may be on a greater than 30 percent slope, provided the house is designed to address the sensitivity factors outlined in the HS regulations. The remaining 3.5 acres of the project site that are not designated HS district would allow for a maximum density of 21 units which, when combined with the hillside designated portion of the site results in a maximum project density of 66 units for the entire property.

Although the theoretical maximum number of lots is higher, the subdivision has designed a total of 36 lots on the 15 acre site. The project proposes 27 homes within the 11.6 acres that are under the HS district regulations, which is approximately one half of the theoretical maximum; therefore, the project would be considered consistent with the :HS Overlay requirements. Further, the majority of the site would be developed in a manner that is similar to the adjacent residential developments and would remain consistent with existing grading contours after the grading occurs for the streets and building pads. In areas where slopes exist, stepped housing foundations will be utilized to limit slope-related impacts. Although a majority of the site would be developed with homes and streets, a 2.4 acre area of Coast Live Oak woodland will remain undisturbed along the northern edge of the site and will be preserved as open space along with open spaces parcels A and B, which total just over one acre.

The proposed flag lot is consistent with the Zoning Ordinance and the Flag Lot Development standards.

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 City has prepared an Initial Study for this project and has not identified any impacts to adjoining properties or any detriments to the public health, safety and welfare associated with the proposed project. All potential impacts have been mitigated to a less than significant level with the incorporation of mitigation measures agreed to by the applicant.

The proposed flag lot design of Lot 36 will not cause any health, safety and/or general welfare hardship to the community.

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

The proposed project has been found to be consistent with all applicable development standards of the RS-5 and RS-7:HS, Residential: Hillside Overlay zoning of the

property. The subdivision has designed a total of 36 lots on the 15 acre site and the total number of proposed units is based on several factors, including the General Plan land use designations, densities, street connections, tree removal and the steepness of the slope. The project proposes 27 homes within the 11.6 acres that are under the HS district regulations, which is approximately one half of the theoretical maximum; therefore, the project would be considered consistent with the :HS Overlay requirements. All lots comply with the minimum lot size, coverage and setbacks of their respective zoning district as allowed by the Alternative Development standards of the Hillside Overlay regulations to allow for height in excess of 24 feet from natural grade.

The City has reviewed the flag lot design for compliance with the standards of Section 17.08, Residential Districts, and has found that it meets all applicable standards including lot size, access and parking.

The proposed hillside development project is consistent with the purpose of the Zoning Ordinance, the Hillside district standards, and Hillside Development Guidelines.

The proposed project has been found to be consistent with the RS-7:HS, Single Family Residential: Hillside Overlay District regulations and the Hillside Guidelines. The subdivision has designed a total of 36 lots on the 15 acre site and the total number of proposed units is based on several factors, including the General Plan land use designations, densities, street connections, tree removal and the steepness of the slope. The project proposes 27 homes within the 11.6 acres that are under the HS district regulations, which is approximately one half of the theoretical maximum; therefore, the project would be considered consistent with the :HS Overlay requirements. All lots comply with the minimum lot size, coverage and setbacks of the RS-7 zoning district. The project complies with the provisions of the Hillside Overlay zoning and the Hillside Development standards by minimizing grading with the use of shared driveways and the placement of building envelopes in close proximity to the access road.

Section 4. The City Council hereby approves the Design Review Permit and makes the following findings in support of the approval:

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 Residential General Plan designation and the prescribed General Plan density. The General Plan allows for a density range of 2 to 6 units an acre and this project proposed a density of 2.40 units an acre. The project is also consistent with General Plan policies regarding neighborhood compatibility as the proposed single family use and lot sizes are similar to other recently constructed subdivisions in the vicinity. Additionally, the proposed exterior materials for the houses are compatible with the architectural style of the surrounding houses to the north.

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

The proposed subdivision design, site layout and architecture are consistent with the goals, policies and recommendations outlined within the Residential Design Guidelines. The proposed project maintains consistent lot orientation and lot sizes that are compatible with the existing neighborhood.

The proposed architecture is consistent with the policies outlined in the Residential Design Guidelines. A mix of coherent forms, details, and materials are proposed to create a variety of homes which complement the neighborhood. The majority of homes will be one story and the proposed two-story homes are consistent with the design principles for two-story homes in the Residential Design Guidelines by using a smaller second-story with a smaller footprint than the first story and are located in a manner to protect the privacy of adjacent houses.

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 through the preparation of the Initial Study that the creation of 36 single family lots will not have an adverse effect on public health, safety or welfare. All potential impacts have been mitigated to a less than significant level with the incorporation of the appropriate mitigation measures as identified in the Initial Study. The design of the proposed subdivision and single-family homes does not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

Section 5. The City Council hereby approves the Tentative Map and makes the following findings in support of the approval:

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 Residential General Plan designation which allows for single family development with a density between 2 to 6 units an acre. The project has an overall density of 2.40 units per acre. The project is also consistent with General Plan policies regarding neighborhood compatibility as the proposed single family use and lot sizes are similar to existing uses and lot sizes in the vicinity.

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 sizes and configuration allow for passive heating and cooling opportunities with building orientation, retention of existing vegetation, and landscaping.

Section 6. The City Council approval of the Use Permit, Design Review Permit, and Tentative Map is subject to the following conditions:

Community Development Department – Planning Division

1. All project conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of Building Permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

2. These entitlements shall be valid for a period of two years following the City Council approval of the project. In order to avoid expiration of the entitlements, a Building Permit shall be issued prior to the expiration date. The Applicant may also apply for the discretionary approval of an extension of the entitlements prior to the initial two year expiration.

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

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

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

6. Plans submitted for Building Permit review shall not include any house plans that feature a three car garage that faces a public street where the garage exceeds 50% of the buildings front facing façade.

7. The plans submitted for Building Permit shall include final landscape plans for the proposed development that shall be reviewed and approved by the Parks and Recreation Department prior to issuance of a Building Permit. All Landscaping shall be

installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.

8. Prior to issuance of a grading permit for the existing structures, the Applicant shall submit a rodent and pest control plan for review and approval by the Chief Building Official that includes measures that reduce the potential for rodents and pests displaced by the grading and construction at the site from relocating to homes in the adjacent neighborhood.

9. No banner signs or other temporary signs shall be installed without prior approval of a sign permit as required by code.

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

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

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

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

Community Development Department – Housing Division

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

Fire Department

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

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

17. Fire apparatus access shall be provided within 150 feet of the most remote exterior portion of all buildings as measured by an approved route around the exterior of the building or facility.

18. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 72,000 lbs., a maximum grade of 15% and not be impeded by gates, vertical traffic calming, bollards or other barriers.

19. Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction.

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

21. All streets (and driveways exceeding 150 feet in length) shall be along a through route or shall end with an approved turn around area (to provide for forward entry and exit). Street access will be reviewed and approved by the Fire Code Official and City Engineer based on site constraints in accordance with the hierarchy outlined in the City of Napa Public Works Standards (§3.04, pg. 76).

22. Alternate Turnaround – For residential development streets, when through access is not available, and a standard turnaround is not feasible, alternate turnarounds will be based on evidence supplied by the developer in the form of a design exception that is approved by the Fire Code Official and City Engineer. Refer City of Napa Public Works Standards (§3.04, pg. 76) for additional information.

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

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

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

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

27. In wildland urban interface zones (Hillside) or high fire danger areas as determined by the Fire Department, ignition resistant construction materials and

techniques shall be utilized in accordance with Chapter 7A of the 2010 California Building Code.

Please be advised, the requirements of Chapter 7A may have an impact on design, structural components and aesthetic components. These components may require approval from the building department, fire department and planning department. Chapter 7A includes specific requirements for roof coverings, attic ventilation, eave protection, exterior wall coverings, decking, underside of appendages and floor projections.

28. Defensible space around structures shall be established and maintained in accordance with nationally recognized standards and practices. Prior to the issuance of a building permit a detailed "Firewise" landscape and defensible space plan shall be submitted and approved for those lots that adjoin wildland areas.

Public Works Department

29. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the referenced site plan. All improvements shall be designed in accordance with the City's Standard Specifications and Standard Plans, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards".

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

a. Construct necessary pavement widening, curb, 4-foot wide sidewalk, 6-foot wide planter strip, various drainage facilities, street lighting, safety related signing and striping improvements, and repairs along the frontages of Wyatt Avenue and Peppergrass Street".

b. All on-site streets shall be public, with the exception of the roadway serving as access to lots 35 & 36. Public street improvements and appurtenances shall include, but not be limited to curb, sidewalk, storm drains, street lighting, signage and striping.

(1) The pavement structural section for all new public street paving shall conform to the Geotechnical Engineer's recommendations but shall not be less than 3 inches of Asphalt Concrete over 15 inches of Class 2 Aggregate Base material for "collector" streets.

(2) Due to the reduced pavement width, compliance with Fire Code requirements will require parking along the north side of Wyatt Avenue and the west side of "A" Street will be prohibited. This will also apply to any other locations where pavement width is less than 28 feet, cul-de-sac bulbs, and knuckles.

c. The following neighborhood "traffic calming" measures shall be installed:

(1) Install a stop sign, stop bar, and stop legend on Peppergrass Street at the Peppergrass Street/Wyatt Avenue intersection.

(2) Two traffic calming bulb outs on the north side of Wyatt Avenue between Birkdale Drive and Peppergrass Street.

(3) Modify the Wyatt Avenue/Birkdale Drive/Buttercup Court intersection as follows:

(i) Remove the existing traffic circle and repave the intersection.

(ii) Remove the curbs at all four corners of the intersection and replace with traffic calming bulb outs that include ADA curb ramps.

(iii) Install a stop sign, stop bar, and stop legend on Birkdale Drive and Buttercup Court at the Wyatt Avenue/Birkdale Drive/Buttercup Court intersection.

d. Overhead utilities along the project frontage and traversing the site shall be placed underground to the first poles lying offsite. This includes services and appurtenant poles to existing residences. The property owner may request a portion of requisite Street Improvement Fee be reduced to offset the cost of undergrounding utilities (i.e., a portion of the utility underground component of the street improvement fee, up to the cost of the associated improvements, may be waived).

e. Water infrastructure improvements sufficient to meet City water quality, operational and fire flow standards as follows:

(1) Abandon unused water mains and/or services as directed by the City.

(2) Install a sufficient number of hydrants on all public water facilities at Fire Marshal and City-approved locations.

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

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

(5) Install appropriately-sized potable water services (fire, commercial, residential, irrigation, etc.) with approved backflow devices.

(6) Relocate any affected water facilities and/or appurtenances (e.g. private fire hydrants)

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

- a. Install all new utilities required to serve the project underground.
- b. All water service laterals (domestic, irrigation, and fire water) shall include approved backflow prevention devices.
- c. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
- d. Install all post-construction stormwater treatment facilities consistent with the standards in the city's NPDES permit and in accordance with the post construction storm water management requirements established by the city, including but not limited to, the current version of the Bay Area Stormwater Management Agencies Association Post-Construction Manual or an updated version of that manual or other post-construction storm water management standards as adopted by Council resolution.

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

- a. Submit the City's "Initial Submittal Checklist" and "Improvement Plan Checklist".
- b. Pay an initial cash deposit of \$3500 for City plan check services.
- c. Contact the City of Napa Fire Department to confirm fire suppression requirements, fire service sizes and fire hydrant locations.
- d. Provide the following:
 - (1) Public Street Repair Plan
 - (2) Utility Plan
 - (i) Size of existing water service(s) to property and adjacent parcel(s);
 - (3) Storm Water Pollution Prevention Plan (SWPPP)

(i) Applicant shall provide Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Development Engineering Division for review and approval with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.

(ii) Construction Water Quality Measures –the property owner shall insure that the Developer and the contractor incorporate storm water quality Best Management Practices (BMP's) into the project construction process.

(iii) **Project > 1 acre of disturbance:** Provide an Erosion and Sediment Control Plan (ESCP) and/or a State Stormwater Pollution Prevention Plan (project disturbance >1 acre), as required per the States Construction General Permit. A copy of the Stormwater Pollution Prevention Plans (SWPPP) along with waste discharge identification number (WDID) will need to be provided to the Public Works – Stormwater Program prior to grading permits.

http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml

PLEASE NOTE: Item above does not require a separate Erosion and Sediment Control Plan (ESCP). The ESCP is a part or element of these plans; however, the SWPPP must address all elements of the required ESCP. See ESCP template at:

http://www.cityofnapa.org/images/publicworks/BUD/escp_reviewprocjun2014.pdf .

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

(v) The project property owner shall insure that the contractor manages all construction activities; and handles, stores and disposes of all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to the maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains and solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drains, ground water, and/or waterways.

(vi) The project property owner shall insure that the contractor incorporates spill prevention and cleanup measures into the construction operation. All discarded materials shall be removed from the site and disposed of at an approved disposal facility.

(vii) The project property owner shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.

(4) Post-Construction Storm Water Runoff Management Plan

(i) The Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality. As ultimate maintenance responsibility for these BMP's will be divided amongst different entities, separate plans shall be prepared for the on-site BMP's and the off-site BMP's. The manual and templates may be downloaded from the BASMAA website at:

<http://www.basmaa.org/BoardandCommittees/PhaseII.aspx>
under "Projects and Programs"

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

(iii) The 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.

(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 May 10, 2016.

(5) Geotechnical Report

(6) Construction Traffic Control Plan.

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

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

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

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

i. Submit all required water connection fees.

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

- a. Pay of all current account balances.
- b. Pay an initial inspection fee deposit for improvements subject to Public Works Department inspection.
- c. Submit a copy of the Notice of Intent for coverage under the State Water Resources Control Board' General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).

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

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

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

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

34. Prior to filing the Final Map, the Applicant shall:

- a. Pay initial cash deposit of \$3,500 for City map check services.
- b. Complete the Lot Line Adjustment process with the property identified on the tentative map at the north side of Lots 28-30.

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

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

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

(1) Convey to the City by irrevocable offer of dedication, 10 feet of additional right of way along the frontages of Wyatt Avenue and Peppergrass Street”.

(2) Convey to the City by offer of dedication, an 8-foot public utility easement adjacent to all public street rights-of-way within the limits of the subdivision.

(3) Creation of a minimum 10-foot wide private drainage easements encumbering all private drainage and stormwater treatment infrastructure serving more than one lot.

(a) Additional width may be necessary to provide 4-feet clear of the outside of all drainage and stormwater treatment infrastructure.

(4) Creation of a "Private Water Easements" to extend private services behind the public water meter to the properties of which they serve, as approved by the City.

(5) Creation of a "Private Sanitary Sewer Easements" to extend private laterals beyond the public street right of way to the properties of which they serve, as approved by the City and Napa Sanitation District.

f. Per City Ordinance O2010 18, file a Waste Reduction and Recycling Plan (WRRP) with the building permit application (which will be forwarded by Building Division staff to the C&DD Compliance Official/Materials Diversions staff). The WRRP form is provided by the City. No building permit shall be issued for any project until the Compliance Official has approved the WRRP.

g. Convey the required easements and dedications, public and private, for the construction, use and/or maintenance of roads or other access, drainage facilities, utilities and post-construction storm water management facilities.

h. Enter into long term maintenance agreements with the City of Napa approved as to form by the City Attorney and to substance City Engineer for long term maintenance, financing and monitoring for the on-site 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.

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

(4) 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.

(5) The owner of the real property shall provide a written document, deed, agreement or similar writing acceptable to the Director, obligating the project proponent, their successors in control of the project and successors in fee title to the underlying real property (or premises), to assume responsibility for the operation and maintenance of all installed treatment systems and hydromodification controls, if any, for the project.

(6) 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).

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

Street Improvement Fee (comprised of street and utility undergrounding components):

	Land Use	Unit (DU)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Single Family Detached	37	\$2,465/DU	\$2,258/DU	\$91,205	\$83,546
Existing Use (credit)	Single Family Detached	2	\$2,465/DU	\$2,258/DU	(\$4,930)	(\$4,516)
					\$86,275	\$79,030

35. Prior to Occupancy of the first unit, the Applicant shall:
- a. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
 - b. Restore all adjacent off-site road surfaces to pre-project conditions.
 - c. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.
 - d. Submit a certification by the Engineer of Record that all work has been completed in substantial conformance with the approved Improvement Plans.
 - e. Prior to Final SW Sign off, all disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the site.
 - f. The Applicant shall 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.
 - g. 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
 - h. Submit any remaining meter set and/or hot-tap fees to the Water Division at 1340 Clay Street, Napa, 94559.
 - i. 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.
 - j. Complete the water demand mitigation requirements of this project as specified by the City of Napa Water Division. The Applicant will be contacted by the City of Napa Water Division after obtaining a building permit specifying the requirements for the proposed project.
 - 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.

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

Napa Sanitation District

36. 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.

37. The proposed sanitary sewer main shall be installed a minimum of 8 feet from the face of curb and a minimum of 10 feet from the proposed water main.

38. 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.

39. All lots shall be served by gravity sewer.

40. All sewer laterals shall be a minimum of 5 feet from neighboring property lines. Sewer laterals shall not be located within driveways.

41. All parcels will be required to connect to the public sewer system. The existing private sewage disposal systems serving the existing dwellings shall be abandoned.

42. The proposed sanitary sewer easement running along the southern boundary of the subdivision shall be a minimum of 20 feet wide and shall be centered on the sewer main. The entire width of the easement shall be accessible to construction equipment. No trees, private utilities, or other permanent structures will be allowed within this easement area. An all weather access drive shall be provided to any manholes located within the easement.

43. Each parcel shall be served by a separate 4" sanitary sewer lateral at 2% minimum slope.

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

- a. Agreement Fees
- b. Demolition Permit
- c. Plan Check Fees

- d. Inspection Fees
- e. Capacity Charges (per single family dwelling)

Napa County Planning, Building and Environmental Services

45. The parcels are presently served in individual sewage disposal systems. The existing structures must be demolished and/or connected to the Napa Sanitation District 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 structures to Napa Sanitation District, or demolition of the structure, the existing septic tank must be properly destroyed under permit from this District.

46. The proposed parcels must be connected to the City of Napa water system.

47. If any wells are destroyed, a well destruction permit must be obtained by a licensed well driller, from this Division.
City General Conditions

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

49. 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 landowner's, if different) execution of the City's improvement agreement with required security may be accepted in lieu of condition completion.

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

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

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

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.

Section 8. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 18th day of October, 2016, by the following vote:

AYES: Sedgley, Inman, Luros, Mott, Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: 
Dorothy Roberts
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney