

RESOLUTION NO. PC2016-22

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NAPA, STATE OF CALIFORNIA,
APPROVING A DESIGN REVIEW PERMIT FOR THE
BYWAY EAST APARTMENTS (APN: 038-021-012) (PL15-
0199)

WHEREAS, Mike DeSimone Jr. submitted an application for a Design Review Permit for a ten unit apartment complex (the "Project") on a vacant property located on the west side of Byway East Avenue, approximately 80 feet south of the intersection of Salvador Avenue (APN 038-021-012); and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on June 2, 2016 on the subject application.

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

Section 1. The Planning Commission hereby determines that the Project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines (Categorical Exemptions; Class 32), which exempts in-fill development projects that are consistent with the general plan designation and all applicable general plan policies, are consistent with applicable zoning designations, occurs within the city limits on a site smaller than five acres, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air, or water quality, and can be adequately served by all required utilities and public services.

Section 2. The Planning Commission hereby approves the Design Review Permit and makes the following findings in support of the approval:

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

The proposed multi-family use of the property is consistent with the Multi-Family Residential General Plan land use designation and the prescribed General Plan density. The General Plan allows for a density range of 15 to 20 units an acre project site would allow for the development of between 7 to 10 units on the .51 acre site; the proposed 10 units are consistent with this range. The proposed development is consistent with the goals and policies of the General Plan in that it provides for rental apartments which offer a more affordable housing product to the community. The development's construction is designed to be consistent with the neighborhood through transitional standards such as increased setbacks, landscaping and fencing which have been designed to be compatible with the project and provide a buffer to the single family residences to the north and south.

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

The proposed site layout and architecture are consistent with the goals, policies and recommendations outlined in the Residential Design Guidelines which encourage multi-family developments that are designed to reflect the scale, rhythm and street orientation of Napa's traditional neighborhoods. The development is consistent with the City's Residential Design Guidelines which desires orientation of homes toward streets, with direct access from streets and common space and also with parking that is unobtrusive and screened by shade trees. The project orients the units fronting on Byway East Avenue to the street and provides pedestrian access to Byway East Avenue. The parking area is located at the side of the building and is screened with landscaping including trees.

C. *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 Project is consistent with the provisions of Title 17 (Zoning Ordinance) and the design and layout of the 10 unit residential apartment development will not have an adverse effect on the public health, safety, or welfare.

Section 3. The Planning Commission's approval of the Design Review Permit is subject to the following conditions:

Community Development Department – Planning Division:

1. This Design Review Permit authorizes the construction of a new 10 unit apartment building and associated driveway, parking, recreation areas and landscaping.
2. To the extent feasible, the carport shall be relocated to the southernmost row of parking spaces within the parking lot.
3. The plans submitted for building permits shall conform substantially to the plans and representations submitted with the application (date stamped received April 6, 2016) and as reviewed and approved by the Planning Commission. The plans indicate a 10,016 square foot, two-story building containing 10 apartment units and a 19 space parking lot with landscaping.
4. The plans submitted for a building permit shall include building elevations that provide the same level of architectural detail found on the plans submitted for Design Review. 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. The Planning Manager is authorized to determine whether the applicant is in compliance with the requirements of the Design Review Permit.
6. All rooftop equipment shall be screened so as not to be visible from any public area's view.
7. No exterior signage is approved as a part of this application. Exterior signs require approval of a Sign Plan Check through the Planning Division or a Comprehensive Sign Program through the Planning Commission, depending upon the number and size of signs proposed. Consistent with the City's Sign Ordinance, no portable (e.g. A-frames) signs are permitted.
8. At least one barbeque pit shall be permanently installed on or around the concrete barbeque pad.
9. At least one picnic bench shall be permanently installed on or around the concrete barbeque pad.
10. The trash enclosure shall be covered with a roof.
11. Noise attenuating construction methods including windows with a minimum STC rating of 32, and entry doors with minimum STC rating of 29 shall be used to mitigate potential noise impacts from US Highway 29.
12. A Landscape and Fencing Plan for the proposed development shall be reviewed and approved by the Planning Manager prior to issuance of a building permit. This plan shall include fencing between the project site and adjacent neighbor properties. An 8 foot masonry wall shall be provided on the western boundary of the project site adjacent to the Chevron property. A six foot solid wood fence with two feet of lattice shall be installed on the north and south project boundaries adjacent to the single family residences. Fences between the project site and adjacent neighbors' properties shall be installed prior to acceptance of the improvements. The Chevron Expansion project has also been conditioned to provide an 8 foot masonry wall along its eastern boundary. Whichever project applies first for a building permit shall be responsible to construct the wall.
13. All landscaping and fencing shall be installed prior to the issuance of a Certificate of Occupancy for the apartment units.
14. All new lighting on private property shall be designed to eliminate direct light spilling onto adjacent properties (downward lit).
15. Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.

16. 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.
17. All project signage for the project shall be subject to a separate review and approval and shall comply with subdivision sign requirements of Municipal Code Section 15.56.110.
18. Any wells on the property shall be abandoned per City Standards. A well destruction permit must be obtained by a licensed well driller, from the Napa County Department of Environmental Management.
19. All new utilities shall be placed underground as shown on utility plan for the project.
20. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Developer shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.
21. The Applicant shall ensure that project personnel (e.g., contractor, construction workers) are informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by law. Prehistoric or Native American resources can include chert or obsidian flakes, projectile points, mortars, and pestles as well as dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources can include nails, bottles, or other items often found in refuse deposits.
22. In the event of discovery of human remains during grading or construction, all work shall be halted in the vicinity, and the Napa County Coroner shall be informed to determine if an investigation of the cause of death is required, and determine if the

remains are of Native American origin. If such remains are of Native American origin, the nearest tribal relatives as determined by the state Native American Heritage Commission shall be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

23. If any evidence of fossils is discovered during excavation or grading, all work shall cease within 100 feet of the find. A qualified paleontologist shall be retained and any recommendations for recordation and preservation shall be followed.

Public Works

24. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the preliminary plans prepared by Stillwater Civil Design dated March 15, 2016 as modified herein by these Conditions of Approval. All improvements shall be designed in accordance with the City's Standard Specifications and Standard Plans, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards". Plans relative to the construction of improvements within the public right of way or for publically maintained facilities "Public Improvements" shall be processed directly through the Public Works Department. Plans for private and/or on-site improvements "Private Improvements" shall be incorporated into the Building Permit plan sets and processed through the Building Division of the Community Development Department.
25. The Applicant shall construct all of the "Public Improvements" as generally shown on the preliminary site plan and more specifically described below:
 - a. Install a new driveway connection, public utility extensions/tie-ins, and related street repairs along the frontage of Byway East.
 - b. Install certain public water infrastructure improvements sufficient to meet City water quality, operational and fire flow requirements which are more specifically described as follows:
 - (1) Abandon any unused water service(s).
 - (2) Install appropriately-sized water services with backflow devices (commercial, fire, irrigation, etc.). Plans must indicate tie-in locations, surrounding utilities, etc.
 - (3) Install a sufficient number of fire hydrants within the public right-of-way at City-approved locations.
 - (4) Relocate any affected water facilities and/or appurtenances (e.g. fire hydrants, meter boxes, sample stations, et al.).

26. The Applicant shall construct "Private Improvements" as generally shown on the preliminary site and more specifically described below:
 - a. Designate applicable on-site fire hydrants as private.
 - b. Screen the above mentioned backflow devices to address the visual impacts.
 - c. Install drainage facilities to collect and convey all on-site surface drainage to an approved outfall. Said drainage infrastructure shall include on-site detention as required per §2.10.01 of the City Public Works Standard Specifications.
 - d. Install a drive aisle and parking area pavement structural sections in accordance with site-specific geotechnical engineer recommendations or City minimum standards, whichever is greater.

27. Prior to approval of the Public Improvement Plans, the Applicant shall:
 - a. Submit the City's "Initial Submittal Checklist" and "Improvement Plan Checklist".
 - b. Pay the initial cash deposit of \$3500 for City plan check services.
 - c. Provide the following:
 - (1) Public Street Repair Plan
 - (2) Utility Plan
 - (a) Size of existing water service(s) to property and adjacent parcel(s).
 - (b) Existing water main(s) and applicable tie-in locations, details, etc.
 - (c) Size and location of all proposed water services (residential, fire, irrigation, etc.) Domestic water shall be supplied by a master meter placed in the public right-of-way with private service laterals thereafter.
 - (d) Submit all required connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559 OR Water Division at 1340 Clay Street, Napa, 94559;
 - (3) Post Construction Water Quality Measures
 - (i) The Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality. The manual and templates may be downloaded from the BASMAA website at: <http://www.basmaa.org/BoardandCommittees/Phasell.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 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.
- (iv) 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.
- (v) 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.
- (vi) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
- (vii) 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.
- (viii) 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 hydro modification controls, if any, for the project.
- (ix) The owner or operator of any installed treatment system or hydro modification controls 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).

(4) Geotechnical Report

(5) Construction Traffic Control Plan

(6) Erosion & Sediment Control Plan

- (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). 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.

- d. Contact the City of Napa Fire Department to confirm fire suppression requirements, fire service sizes and fire hydrant locations.
 - e. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work and provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.
 - 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.
28. Prior to commencing any activities on-site, the Applicant shall:
- a. Pay of all current account balances.
 - b. Pay an inspection fee in an amount to be determined at the time of construction for the City's inspection of the Public Improvements.
 - c. Pay all water connection fees at the Water Division office, 1340 Clay Street, Napa.
 - d. 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 SWCP for their use.
29. Prior to issuance of a Building Permit, the Applicant shall:

- a. Construct all of Public 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 Public Improvements prior to Occupancy of the first unit. Such an Agreement will require the Applicant to provide bonds, proof of workers compensation insurance, and general liability insurance in the forms and amounts as proof satisfactory in form to the City.
- b. 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 by separate instruments.
 - (1) Convey to the City by Irrevocable Offer of Dedication, a 6-foot public utility easement adjacent to the Byway East right-of-way along the project frontage.
- c. This project is subject the requirements of Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc. The following modifications are necessary to bring the trash enclosure into compliance with the Solid Waste and Recycling Enclosure Standards as approved by City Council on October 21, 2008 (Resolution R2008 185).
 - (1) The enclosure shall be re-positioned such that it allows for a minimum straight approach of 50 feet necessary for the trash and recycling trucks to line up directly with the bin(s). Specifically, both trucks shall access the bins in the enclosure by backing into the driveway and driving forward to the enclosure. Therefore the enclosure shall be moved such that the [south] side wall is re-angled to allow straight access. As an alternative, the Developer may construct a cart-only enclosure with adequate space for eight carts and pedestrian compliant with ADA requirements.
 - (2) The turning radius required for access to the enclosure shall be adequate for a 3-axle truck. The overall length, including the forks is 36 feet. Minimum outside turning radius is 46.5 feet. This shall be detailed on the plans submitted for building permit review.
- d. This project is subject to City Ordinance O2010 18 which requires projects that exceed \$100,000 in building valuation or 5,000 sq.ft. of new, improved, or remodeled areas to 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). 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.

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

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

- (a) Pay General Street Improvement Fees per Policy Resolution 16.

Land Use	Dwelling Units (DU)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
Apartment	10	\$1,042/DU	\$1,529/DU	\$10,420	\$15,290

- (b) Pay North Jefferson Street Improvement and Parks Fees.

Land Use	Dwelling Units (DU)	North Jefferson Street Rate	North Jefferson Park Rate	North Jefferson Street Fee	North Jefferson Park Fee
Apartment	10	\$6,268.79/DU	\$606.14/DU	\$62,687.90	\$6,061.40

30. Prior to Temporary Occupancy, the Applicant shall:

- f. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- g. Restore all adjacent off-site road surfaces to pre-project conditions.
- h. 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.
- i. Submit a certification by the Engineer of Record that all work has been completed in substantial conformance with the approved Improvement Plans and Storm water Control Plan.
- j. The Developer shall complete the Final Storm water Inspection Sign Off form as specified in the Storm water Control Plan. A copy of the form may be requested from the Public Works Development Engineering Division – Storm water Program.

- k. Identify all on-site post-construction storm water quality bmp's and along the project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.
- l. Construct all public and private water improvements as shown on the approved civil plans, the City of Napa Public Works Department Standard Specifications and the special conditions contained herein.
- m. 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.
- n. Complete the water demand mitigation requirements of this project as specified by the City of Napa Water Division. The Applicant will be contacted by the City of Napa after obtaining a building permit specifying the requirements for the proposed project.
- o. Provide record drawings outlining as-built conditions of the public and private site improvements (City requires digital files and bond copy formats). Digital files shall be compatible with the City's current version of AutoCAD and tied to the City's coordinate system.
- p. Submit any remaining plans check, inspection, meter set and/or hot-tap fees to the Public Works Department.
- q. Within sixty (60) days of the final inspection, the applicant shall submit documentation (weight tags for the project debris), 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. Sign-off from Materials Diversion for a certificate of occupancy shall not occur until the weight tag documentation is approved. Non-compliance with the plan and City requirements may result in a fine.

Fire Prevention Division:

- 31. 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.
- 32. Fire Department plan review shall be based on the information submitted at the time of permit application.
- 33. All projects shall provide adequate fire flow in accordance with Appendix B and C of the California Fire Code.
- 34. 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.

35. In new construction, fire protection equipment should be located within an interior room having an exterior access door or in an exterior enclosure attached to the building, specifically for the purpose of housing such equipment.
36. Plans and calculations for all fire protection systems and features shall be submitted and approved prior to the issuance of a building permit.
37. Fire Department connections shall be located not more than 100 feet from the nearest fire hydrant connected to an approved water supply.
38. Underground utility contractor, architect and fire sprinkler contractor shall coordinate location of risers and control valves prior to the issuance of a building permit.
39. Plans for the building fire alarm system or water sprinkler monitoring system (as required) shall be submitted and approved prior to the issuance of a building permit.
40. Fire apparatus access shall be provided to within 150 feet of the most remote portions of all buildings from an approved exterior route.
41. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet (curb to curb) and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 72,000 lbs.
42. When required by the fire code official, fire apparatus access roads shall be designated as Fire Lanes and appropriate signs and/or markings installed in accordance with the California Vehicle Code and approved City standards.
43. New buildings and additions to existing buildings shall conform to requirements set forth in the currently adopted editions of the California Building Code, California Fire Code, adopted City Standards and nationally recognized standards.

Napa Sanitation:

44. A plan showing the required sanitary sewer improvements conforming to NSD standards shall be prepared and shall be submitted to the District for approval.
45. 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.
46. The proposed development will be required to connect to the existing sewer main in Byway East with a 6 inch lateral connected to a new sewer manhole with a 6 inch stub to the north. The existing main shall be extended as determined by the Napa Sanitation District during the plan review process.

47. 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 any water main.
48. The owner/developer shall enter into an improvement agreement with the District for all public sewer improvements, and post the appropriate bonds covering the sanitary sewer work. All sewer work within the public right of way shall be performed by a Class A licensed contractor.

City General Conditions:

49. 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.
50. 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.
51. No use authorized by this permit may commence until after the Applicant executes any required permit agreement.
52. 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).
53. 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.
54. 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.

55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. All conditions 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.
61. These Design Review Permit approvals shall expire 2 years from the date of approval unless a building permit has been issued and construction has been diligently pursued, and the use having been commenced or an extension is secured by the Planning Division prior to the expiration date.

62. Approval of this use permit will become effective, provided no appeals are received within 10 calendar days of the Planning Commission meeting date of June 2, 2016.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Planning Commission of the City of Napa at a regular meeting of said Planning Commission held on the 2nd day of June 2016 by the following roll call vote:

AYES: Tom Trzesniewski, Paul Kelley, Gordon Huether, Beth Painter

NOES:

ABSENT: Michael Murray

ABSTAIN:

ATTEST:



SECRETARY OF THE PLANNING COMMISSION