

RESOLUTION R2019-092

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 CONDOMINIUM PURPOSES FOR THE FOSTER ROAD TOWNHOMES LOCATED AT 1124 FOSTER ROAD AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, on June 26, 2018, Foster Road Ventures ("Applicant") submitted an application for a use permit pursuant to Napa Municipal Code ("NMC") Chapter 17.60 ("Use Permit") to authorize a modification to the guest parking standards; a design review permit pursuant to NMC Chapter 17.62 ("Design Review Permit") for the proposed 14 residential condominiums and the Tentative Subdivision Map for condominium purposes; and a tentative subdivision map pursuant to NMC Chapter 16.20 ("Tentative Map") to divide 1124 Foster Road (APN: 043-430-040) ("Site") into 14 airspace condominiums with a common area (the "Project"); and

WHEREAS, on January 17, 2019 the Planning Commission considered the Use Permit, Design Review Permit and Tentative Subdivision Map and all written and oral testimony submitted to it at a noticed public hearing on the Use Permit, Design Review Permit and Tentative Subdivision Map, at which time the Planning Commission heard a presentation by Staff and took public testimony, and thereafter closed the public hearing and where they subsequently recommended that the City Council approve the applications; and

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

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

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

2. The City Council hereby determines that the Project is exempt from the requirements of 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 and Zoning Ordinance; that occur within City limits and are on sites no more than 5 acres in size; that are on sites with no value as habitat for endangered, rare or threatened species; that would not result in any significant effects relating to traffic, noise, air quality, or water quality; and that can be adequately served by existing utilities.

The City Council also determines that the exceptions to categorical exemptions identified in Section 15300.2 of the CEQA Guidelines are inapplicable because the Site is in an urbanized area with no environmentally sensitive habitats or species of concern on the Site, there has been no successive effort to intensify land uses in the area, and no unusual circumstances exist that would pose a reasonable possibility of having a significant effect on the environment. Based on this analysis, no significant environmental effects would result from this Project and the exemption is appropriate.

3. The City Council hereby approves the Use Permit 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 Project is consistent with MFR-126, Multi-Family General Plan designation which allows for multi-family development at a density from 20 to 30 units per acre, and with the RM: Multi-Family Zoning designation which allows for multi-family development on minimum lot sizes of 5,000 square feet. The proposed modification to the Parking Standards to allow 4 guest parking spaces to be located on Foster Road in front of the Project Site is similar to guest parking that is provided for typical single-family development.

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 proposed use of on street parking for guest parking will not cause any health, safety and/or general welfare hardship to the community. Foster Road is already designed at the City standard road width to include 8-foot parking aisles on both sides of the street in addition to two 10-foot drive aisles. As conditioned, the Project would not result in any significant impacts.

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

The Project has been found to be consistent with all applicable RM development standards. The use of guest parking on Foster Road is compatible with the City's street design standards. With approval of a Use Permit for modified parking standards, the Project would be compliant with applicable provisions of the Zoning Ordinance.

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 condominium development, its improvements and multi-family use of the Site are consistent with the Multi-Family General Plan designation and the prescribed General Plan density. The General Plan allows for a density range of 20 to 30 units an acre, and this Project proposes a density of 20 units an acre. The Project is also consistent with General Plan policies regarding neighborhood compatibility as the proposed multi-family use and unit sizes are similar to other multi-family developments in the vicinity.

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

The proposed condominium design, site layout and architecture are consistent with the goals, policies and recommendations outlined in the Residential Design Guidelines. The proposed Project maintains consistent building orientation and development patterns 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 an attractive multi-family home design which complements the neighborhood. The design of the condominiums is consistent with the design principles of the Residential Design Guidelines.

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) as conditioned. As such, with implementation of the proposed conditions of approval, the proposed Project would not result in any significant impacts. The design of the proposed multi-family condominiums does not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

5. The City Council hereby approves the Tentative Subdivision Map for Condominium purposes prepared by North Bay Civil Engineering & Design, dated August 14, 2018 ("Application Plans") submitted as part of the subject application 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 condominium subdivision, improvements and multi-family use of the Site are consistent with the Multi-Family General Plan designation which allows for multi-family development with a density of 20 to 30 units an acre. The Project has an overall density of 20 units per acre. The Project is also consistent with the following General Plan policies regarding neighborhood compatibility as the proposed multi-family use and condominium sizes are similar to existing uses and condominium sizes in the vicinity:

Housing Element Policy H1.1 encourages the efficient use of land, and Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density.

The fourteen 14 condominiums provide an overall density of 20 units per acre. Several physical constraints on the Site render it difficult to achieve a higher density. A 20-foot water utility easement traverses the length of the Site's southern boundary and a 10-foot storm drain easement traverses the length of the eastern boundary concentrating the building envelope to less than the entire 0.72-acre Site. Although the proposed density is on the lower end of the acceptable density range, it is consistent with the density range of this designation.

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood.

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The neighborhood has a variety of lot sizes, and the proposed lots are compatible in size with those in the neighborhood. The proposed multi-family use is compatible with the existing multi-family development (townhomes) that border the Site on the north, east and south, consistent with this policy. Staff believes the proposed multi-family use, lot coverage, building forms and density are consistent with nearby multi-family development. It should be noted the properties across Foster Road to the west are zoned for single family uses and have therefore developed at lower densities with single family residences. The lower density of this Project on a Site that could hypothetically support up to 21 units provides a more compatible transition from the higher density development east of the Site to the lower density development to the west.

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.

6. The City Council's approval of the Use Permit, Design Review Permit, and Tentative Subdivision Map for condominium purposes, is subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. This Design Review Permit and Tentative Subdivision Map for condominium purposes authorizes the construction of 14 residential condominiums on one parcel with a common area in accordance with the plans submitted with the application (date stamped, received September 6, 2018) and as reviewed and approved by the City Council, and as amended by the conditions of approval. The residential units consist of 14, 3-story, 2-bedroom, townhouse units. Three duplex buildings will each contain 2 units with each providing 1,354 square feet of living area. Two quadplex buildings will each contain 4 units with each providing 1,300 square feet of living area.
2. The plans submitted for building permits shall conform substantially to the plans and representations submitted with the application (date stamped, received September 6, 2018) and as reviewed and approved by the City Council, and as amended by the conditions of approval.
3. This Use Permit to modify the parking standards authorizes 2 guest parking spaces to be located on Foster Road, along the Project's frontage. The other 2 guest parking spaces shall be located on-site. Notwithstanding the foregoing, in the event the City relocates the 20-foot water utility easement on the Site's southern boundary making it feasible to locate all 4 guest parking spaces on-site, the Applicant shall locate all 4 guest parking spaces on-site.
4. Building footprints are approved as shown on the Tentative Subdivision Map (prepared by North Bay Civil Engineering & Design, dated August 14, 2018). The Applicant shall not alter building footprints from the approved locations. Plans submitted for building permits shall include dimensioned setback identification.
5. Any modifications to the approved condominium elevations shall require a subsequent Design Review Permit approval. These future home designs shall be subject to review pursuant to Napa Municipal Code Section 17.68.140.
6. 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.
7. All construction and construction-related activities shall comply with the requirements of NMC Section 8.08.025.
8. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.

9. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated in to 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. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.
10. The plans submitted for Building Permits for the multi-family residences within the Project shall include side and rear building elevations that provide the same level of architectural detail found on the front elevation. The exterior treatment of each building elevation shall be consistent in form and materials and provide an overall coherent design for the entire building.
11. If window mullions are proposed for any exterior window within the condominium subdivision, the window mullion shall be placed on the exterior of the window.
12. Prior to issuance of a demolition or 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.
13. Prior to approval of the final map, Applicant shall establish an incorporated homeowner's association with recorded Covenants, Conditions & Restrictions (CC&Rs) to own, operate and maintain the Private Improvements (defined herein, including common use components such as driveways, trash containers, landscape in parking areas etc.). The CC&Rs shall be submitted for review and approval by the Community Development Director as to substance and the City Attorney as to form and shall contain a statement indicating that the City is deemed to be an express third-party beneficiary of the CC&Rs and has the right, but not the obligation, to enforce any of the provisions of the CC&Rs. Any proposed amendments to the CC&Rs approved by the City shall be submitted for review to the Community Development Director or designee and shall be subject to approval by the Community Development Director as to substance, and the City Attorney as to form, prior to the amendments being valid. In the event a proposed amendment materially alters any of the provisions required by the City to be included in the CC&Rs, the Community Development Director may require the proposed amendment to be subject to approval of the City Council.
14. Each condominium shall have its own gas and electric meter and water shut off valve.
15. Directional/directory signs as deemed necessary by the Fire Department shall be installed.

16. The Project's CC & Rs shall include a provision requiring all garages to remain unobstructed from storage items and available at all times for vehicle parking with a clear space of 9 feet by 19 feet for a single car garage.
17. The Project's CC & Rs shall include a provision prohibiting the storage of boats, RV's or trailers anywhere on the Site.
18. All garages and driveway parking spaces shall be a minimum of 9 feet wide by 19 feet long.
19. The Applicant shall clearly demonstrate compliance with the storage standards in the building plan submittal.
20. All exterior lighting on the Site shall be properly shielded and directed downward to preclude glare conditions that might impact nearby residential uses.
21. The plans submitted for improvement plan review shall include a final landscape plan which clearly indicates the location of the large Coast Live Oak tree to be preserved on the Site.
22. To the extent feasible the one coast live oak tree identified for preservation shall be protected and preserved. The improvement plans submitted for review and approval to the Public Works Department shall include a tree preservation plan, prepared by a certified arborist which includes measures for protection of root structures, trunks and limbs during construction and any additional measures necessary for the continued health of the tree. This report shall evaluate the status of the tree and include recommendations for the optimum location, and configuration of the improvements in the interest of creating minimal impact on the subject tree.
23. The plans submitted for the building permit shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that: (1) all plant materials be certified by the Napa County Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner, and (2) the Agricultural Commissioner's Office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Division approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Manager that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications and inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of

an alternate licensed professional may be allowed by the Planning Manager upon a showing of good cause.

24. A plan review letter shall be submitted by the tree preservation plan preparer which indicates whether or not the recommended measures have been satisfactorily included in the improvement plans.
25. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.
26. A Final Fencing Plan for the Project shall be reviewed and approved by the Planning Manager prior to recordation of the Final Map or issuance of a building permit, whichever comes first. This plan shall include fencing between the Site and adjacent neighbor properties. Fences between the Site and adjacent neighbors' properties shall be installed prior to acceptance of the subdivision improvements. At the discretion of the neighboring property owners, the Applicant shall construct a new fence between the Site and the neighboring property. Should the neighboring property owner choose not to allow the Applicant to reconstruct the fence at their property line, the Applicant may construct a new fence beyond the existing neighbors fence on the Project side.
27. All proposed and required fencing shall be installed in compliance with the approved landscape and fencing plan prior to the issuance of a Certificate of Occupancy for the corresponding unit.
28. All retaining walls that are visible from the public right-of-way shall be designed with a decorative finish. Detailed retaining wall finishes shall be submitted with improvement plans and shall be approved by the Planning Manager.
29. A permit shall be obtained from the Parks and Recreation Department prior to removal of any street trees from the City right of way.
30. 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. Applicant shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.
31. Consistent with the Natural Hazards Disclosure Act, the Applicant shall provide prospective buyers with a "Natural Hazard Disclosure Statement" indicating the Site lies within a state-mapped Earthquake Fault Zone.
32. The Planning Manager is authorized to determine whether the Applicant is in compliance with the conditions and requirements of these approvals.
33. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District confirming that the

Applicant has complied with all Napa Sanitation District requirements applicable to the Project. The Napa Sanitation District has described the applicable requirements in a letter to the Planning Division dated September 27, 2018, attached hereto and incorporated herein as Exhibit A.

PUBLIC WORKS DEPARTMENT

34. Approval of this Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Napa Municipal Code, the Public Works Department Standard Specifications and Standard Plans, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards".
35. The Applicant shall construct all on and offsite improvements in accordance with improvement plans and supporting calculations that are prepared by a registered civil engineer and reviewed and approved by the City of Napa Public Works Department (PW) Development Engineering Division. The improvement plans shall be prepared in conformance with the plans prepared by North Bay Civil Engineering & Design dated August 14, 2018 as modified herein by these Conditions of Approval. The improvement plans and supporting calculations shall include detailed designs for all utilities, water, grading, drainage, erosion control, stormwater, and paving. The plans and calculations must be approved by the City Engineer prior to the issuance of the building permit.
36. The improvement plans shall be prepared in accordance with (and submittals shall be accompanied by) the "Initial Submittal Checklist", the "Improvement Plan Checklist", and the "Subdivision Map Checklist". The checklists are available on the City of Napa Website (www.cityofnapa.org) under the Public Works Department Development Engineering Division Forms and Handouts menu.
37. The Applicant shall pay a \$5,000 initial cash deposit for city plan check services.
38. IMPROVEMENT PLANS – The following items shall be shown on the improvement plans prior to approval of the plans:
 - a. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the Public Works Department Standard Specifications. Street improvements shall include curbs, gutter, standard 4' sidewalk, 6' planter strip, street paving, street lights, street type driveway approaches, drainage facilities, and street trees. Final design and location of public frontage improvements shall be subject to the approval of the Public Works Director.
 - b. Any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City prior to improvement plan approval.

- c. Curb, gutter, standard sidewalk and planter strip, street paving, street lights, driveway approaches, drainage facilities, barricades and street trees shall be installed on the full length of the Project's public street frontage.
- d. All existing curb return pedestrian ramps and driveway approaches that do not meet current ADA and City Public Works Standards shall be removed and replaced with ramps conforming to the current ADA and City Public Works Standards.
- e. The existing driveway approaches, which will no longer be used to access the Site, shall be removed and replaced with standard curb, gutter, and sidewalk.
- f. All public street pavements structural section installations shall include a minimum of 3 inches of Asphalt Concrete over 15 inches of Class 2 Aggregate Base material.
- g. Public street access points and street corners shall be designed to satisfy the City of Napa Visibility and Fencing Standard (Std. Detail S-25). The sight distance and visibility triangle lines shall be shown on the grading and drainage plans. The visibility height limits are measured from the top of curb of the fronting street to the top elevation of the obstruction.
- h. The Applicant shall incorporate the group mailbox concept into the Project design. Proposed locations shall be reviewed and approved by the Post Office and Public Works.
- i. The Applicant shall provide an accessible route of travel from the fronting sidewalk to the buildings. The Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits, and access to normal paths of travel, and where necessary to provide access, shall incorporate pedestrian ramps, curb ramps, etc. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities and the accessible entrance to the site per UBC 1127B. All proposed accessible routes of travel shall be identified on the improvement plans.
- j. The improvement plans shall include an Erosion Control Plan.
- k. The improvement plans shall include a Joint Trench Plan.
- l. The improvement plans shall include a Construction Traffic Control Plan.
- m. All the existing utilities including overhead and underground utilities.
- n. The improvement plans shall include a Public Street Repair Plan (showing the repair details and limits of repair) for all improvement installations that will result in the cutting, demolition, destruction, etc. of any existing improvements within the public right of way including but not limited to the installation of curb, gutter, sidewalk, or utilities (water, sewer, storm drain, electrical, cable TV, telephone, etc.). This plan shall be updated during the construction process as necessary to reflect any unanticipated street repairs. Associated with said plan are the following requirements:

- i. The Applicant shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of either a 2-inch asphalt concrete overlay, or geotextile material with a minimum 2-inch asphalt concrete overlay, depending upon the extent of the proposed pavement cuts and the condition of the existing pavement section, as determined by the City Engineer. The Applicant shall also provide digouts and reconstruction of any potholed and/or alligatored areas. Installation of street paving by the Applicant shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the Public Works Department Development Engineering Division and approved by the City Engineer as part of the construction plan review.
- ii. The Applicant shall repair all pavement, curb, gutter and sidewalk that are damaged by the construction process in accordance with the Public Works Department Standard Specifications and Standard Plans.
- iii. Any unanticipated street cuts or other street repair items that become evident following improvement plan approval shall be included by way of revisions to the Street Repair Plan.
- o. For trenching within existing roadway areas, the Applicant's engineer shall pothole or otherwise physically determine the actual horizontal location and vertical depth of all underground utility systems throughout the proposed area of work and at all utility connection points. The Applicant shall provide all the pothole information and 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.
- p. The Applicant shall underground all new utilities to serve the Project from the existing point of connection to the Project. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the Project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The Applicant shall relocate or underground any overhead utilities that conflict with the new improvements.

39. ON-SITE ACCESS AND CIRCULATION - The following items related to on-site access and circulation shall be shown on the improvement plans prior to approval of the plans:

- a. Street paving, 4' sidewalks, driveway approaches modified to meet ADA standards, and drainage facilities shall be installed on the Project's private streets.

- b. All curb frontage intended for no parking shall be painted red and posted with signs (R26F - No Stopping Fire Lane).
- c. The Applicant shall pave all required onsite parking areas and drive aisles thereto in conformance with the minimum City of Napa standard structural section standard (equivalent to a minimum 3 inches of Asphalt Concrete over 10 inches of Class II aggregate Base material) and the Project's geotechnical reports recommendations, whichever is larger. The proposed driveway minimum width shall be 20 feet for the main driveway located on Foster Road. The minimum width of the private streets shall be 20 feet, not including 4' sidewalks.
- d. In accordance with the Public Works Department Standard Specifications and Standard Plans and the Napa Municipal Code Site circulation shall be designed to allow vehicles to exit the Site in a forward motion. A minimum 25 foot backup turn-around area shall be provided for all required parking spaces, including tandem spaces.
- e. Per City of Napa Public Works Standard Specification 3.02.02 H., no on-site parking space shall be allowed within the initial 20-feet of the driveway, where it connects to the public street measured from the back of sidewalk of the fronting street or from the ultimate right-of-way line in areas without sidewalks.

40. DRAINAGE AND GRADING - The following items related to grading and drainage shall be shown on the improvement plans prior to approval of the plans:

- a. If applicable the Applicant shall replace any existing non-standard drainage inlets, such as Type S-110, with a City Standard drainage inlet, such as Type D-2.
- b. Lot grading and drainage system improvements shall be installed by the Applicant as part of the subdivision improvements. Constructed lot pad elevations shall not deviate more than 0.5 feet from the pad elevations shown on the Tentative Map.
- c. The grading plans provided by the Applicant for review shall include the existing topography shown with contour line labeled at one foot intervals and extending a minimum of 100-feet beyond the limits of the Site, or a sufficient distance to indicate impacts on adjacent properties.
- d. Detention improvements shall be incorporated into the Project storm drain system design as necessary to maintain post development 10 year, 25 year and 100 year runoff from the Site at pre-development levels. The Applicant shall provide storm drain inlets with enough capacity to ensure 100-year storm water flow enters the detention system. Supporting calculations shall be submitted for review and approval.

- e. The grading and drainage plan shall include a design that allows for a 100-year overland release with all finish floor and garage slab elevations a minimum of one foot above the 100-year overland release elevation.
- f. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.
- g. Any retaining walls which are greater than one foot in height, which are adjacent to a property line, shall be masonry or concrete. Wood retaining walls shall not be installed adjacent to property lines.
- h. It is the City's policy to require all new parcels to be graded to drain independently from adjoining parcels. If surface drainage is currently passing from adjoining properties onto the Site, the grading plan for the Project shall be designed to continue to accept such drainage and easements shall be established to allow such drainage patterns to continue. All surface drainage must be collected and conveyed to a public street, storm drain or approved outfall.
- i. On-site storm drain, outside of the City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.
- j. The Applicant shall provide an Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Public Works Department 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.
- k. The roof drainage and downspouts from the building shall not be allowed to discharge into any of the adjacent properties, and the gutter downspouts and drainage need to be directed away from the adjacent property lines.
- l. CONSTRUCTION WATER QUALITY MEASURES – In accordance with the NPDES Construction General Permit, the property owner shall insure that the Applicant and the contractor incorporate storm water quality Best Management Practices (BMP's) into the project construction process.
 - i. **Projects < 1 acre:** Provide an Erosion and Sediment Control Plan (ESCP) See ESCP template at: http://www.cityofnapa.org/images/publicworks/BUD/escp_reviewprojun2014.pdf.
 - ii. The construction BMPs shall be shown on the project Erosion and Sediment Control Plan (ESCP).
 - 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.
- m. 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.
- i. The post-construction BMPs shall be shown on the Project improvement plans and in the required Storm Water Control Plan (SCP).
 - ii. All designated projects – The Applicant shall prepare and submit a SCP per "BASMAA Post-Construction Manual, dated July 14, 2014," standards and an Erosion and Sediment Control Plan.
 - 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 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.
 - v. The Project post-construction BMPs 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 North Bay Civil Engineering and Design dated August 10, 2018.
- n. The Applicant shall submit storm drain system design calculations that are prepared by a registered civil engineer for review and approval by the Development Engineering Division. Storm drain system design flows shall

be calculated based on the requirements listed in the City of Napa Public Works Department Standard Specifications and Standard Plans. The calculations shall include a drainage basin map showing basin limits and area in acres, hydrology, and system hydraulic calculations, pipe size calculations, inlet capacity calculations, stormwater quality treatment and other information necessary to support the proposed design. Storm drains will be sized to carry the flows generated by the design storm per City of Napa Standards. The storm drain system design calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3') per second when flowing half full.

- o. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
- p. Low Impact Development (LID), Bio-retention areas, underground treatment systems, and all other treatment based BMP systems are to be sized in accordance with calculations that conform to the City's BASMAA Post-Construction Manual dated July 14, 2014 and the State MS4 General Permit E.12 provisions and are to be reviewed and approved by the Development Engineering Division.
- q. 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 Site 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 City 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. All development projects must be planned, designed and constructed consistent with the post construction 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..
- vi. 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.
- vii. 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)

41. NOTES - The following notes shall be shown on the improvement plans prior to approval of the plans. The Applicant and the construction contractor shall satisfy the requirements stated in the following notes. The Applicant's engineer shall include the following notes on the improvement plans prior to approval of the plans by the Public Works Department Development Engineering Division:

- a. No grading and/or excavation shall be performed except in accordance with the approved erosion control plan and schedule. The contractor shall have all erosion control measures on site during the course of the work and installed in accordance with the approved erosion control plan schedule.
- b. During the course of the Project construction (including non-working hours), the contractor is to provide appropriate signage, flashers, and barricades for open trenches that are approved by the Public Works Department Construction Division Inspector to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.

- c. Any existing pedestrian access through and/or adjacent to the Project Site shall remain unobstructed during the Project construction or an alternate route shall be established as approved by the Police Chief and City Engineer.
- d. During the course of the Project construction, all Project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications.
- e. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).
- f. Grading and construction equipment shall be shut down when not in use.
- g. For all construction activity, the contractor shall control dust in accordance with the requirements of the City of Napa Public Works Department Standard Specifications and Standard Plans (Part II – General Provisions – Dust Control); the National Pollution Discharge Elimination System requirements; and the California Department of Transportation Construction Manual (Chapter 4 – Construction Details – Section 10 Dust Control). Use of any City of Napa water for this purpose shall be from a metered source that is approved by the City of Napa Water Division and shall be requested in writing by the Contractor.
- h. During the construction/demolition/renovation period of the Project, the contractor shall use the franchised garbage hauler for the service area in which the Project is located to remove all wastes generated during Project development, unless contractor transports Project waste. If the contractor transports the Project's waste, the contractor must use the appropriate landfill for the service area in which the project is located.
- i. The contractor shall provide for the source separation of wood waste for recycling. The contractor shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the contractor transports such wood waste to a location where wood waste is recycled.

42. WATER FACILITIES - The following items related to water facilities shall be shown on the improvement plans or completed prior to approval of the plans. The Water Division shall review and approve these items:

- a. The size of all the existing water service(s) to the Site and adjacent parcel(s).
- b. The existing water main(s) and applicable tie-in locations, details, etc.
- c. The abandonment of any existing unused water service(s).

- d. Installation of a single water service for each lot with approved backflow devices.
- e. The size and location of all proposed water services (residential, fire, irrigation, etc.) and tie-in locations, details, surrounding utilities, etc. Domestic water shall be supplied by a master meter placed in the public right-of-way with private service laterals thereafter.
- f. The size and location of appropriately-sized water services with backflow devices (commercial, fire, irrigation, etc.) with tie-in locations, surrounding utilities, etc.
- g. All existing service laterals to the Site shall be used prior to the installation of new services from the City water main.
- h. Any unused service shall be abandoned at the City water main.
- i. Installation of a sufficient number of water main valves as directed by City of Napa Water Division at City-approved locations.
- j. Approved backflow prevention devices shall be installed on all new and existing domestic, irrigation, and fire water services.
- k. Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations.
- l. Designate applicable on-site fire hydrants as private.
- m. Relocation of any affected water facilities and/or appurtenances (e.g. private fire hydrants, backflow devices, meters, etc.).
- n. If existing services (including public hydrants) conflict with the proposed Project design, the conflicting services shall be abandoned at the main. If a public hydrant is removed due to a conflict with the Project plans, a new hydrant shall be installed at a location approved by both the City of Napa Water Division and Fire Prevention Division. Extending existing hydrant laterals to avoid conflicts shall not be permitted.
- o. Contact the City of Napa Fire Department to determine fire sprinkler requirements.

43. MISCELLANEOUS - The following items shall be shown on the improvement plans prior to approval of the improvement plans:

- a. The Applicant shall connect the Project to the Napa Sanitation District for sanitary sewer service. Sewer services shall be shown on the improvement

plans and shall be installed in accordance with Napa Sanitation District standards and reviewed and approved by the Napa Sanitation District.

- b. This Project is subject to the requirements in Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc. A minimum 7'-0" x 16'-0" (interior dimensions) trash enclosure shall be provided on site and located at the east end of the main entry drive. Plans submitted for building permit review shall comply with the Solid Waste and Recycling Enclosure Standards as approved by City Council and shall include a floor plan, elevations, etc. The condominium complex shall be required to comply with the State Mandated (AB 1826) Organics Recycling program with participation in the City of Napa greenwaste program which requires source separation of greenwaste from solid waste and recycling in multifamily dwellings of 5 units or more beginning April 1, 2016. The complex shall source separate green waste from other waste and subscribe to a service that includes collection and recycling of green waste.
- c. This Project is subject to City Ordinance O2010 18 which requires projects that; (a) exceed \$100,000 in building valuation; or (b) exceed 5,000 sq.ft. of new, improved, or remodeled areas; or (c) exceed 5,000 sq.ft. of floor area to be demolished; 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). 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. 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/tags for each load shall be obtained and shall be submitted to the Materials Diversion Division prior to that Division's approval of a Certificate of Occupancy at the conclusion of construction. 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.

44. PRIOR TO APPROVAL OF IMPROVEMENT PLANS - The Applicant shall submit documentation to the Public Works Development Engineering Division for review and approval that indicates that the following items have been addressed:

- a. The Applicant shall submit all required water connection fees to the Public Works Department Development Engineering Division at 1600 First Street, Napa CA. 94559. No inspections or water service from the Water Division will be initiated until all connection fees for the project have been paid.

- b. The Applicant shall pay off all current account balances based on the rate in effect at the time of the permit issuance.
- c. The Applicant shall pay an inspection fee for Public Improvements.
- d. Any work performed on neighboring properties shall be done in accordance with temporary construction easements from the impacted neighbor(s). The easements shall be obtained with copies submitted to the Public Works Development Engineering Division for review prior to the approval of the improvement plans.
- e. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the Project or to satisfy required project mitigation measures and/or conditions prior to occupancy.
- f. The Applicant shall submit to the Public Works Department Development Engineering Division a Soils Investigation/Geotechnical Report in accordance with Section 16.36.200 of the City of Napa Municipal Code with the first improvement plan submittal. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to improvement plan approval. The geotechnical engineer shall also assume responsibility for inspection of the work and prior to acceptance of the work shall certify to the City that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of building plans in accordance with Title 15 of the City of Napa Municipal Code.
- g. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.

45. FINAL MAP - The Applicant shall submit the Project final subdivision map ("Final Map") for review by the Public Works Department Development Engineering Division and approval by the City Engineer. The form and approval of the Final Map shall meet the following requirements:

- a. Any additional right-of-way necessary to accommodate the Project public street improvements shall be dedicated to the City by the Applicant on the Final Map.
- b. The Final Map shall show private easements for the private street, drainage facilities and utilities as required by the Public Works Director.
- c. The Final Map shall include an abandonment of the existing 20' water line easement.

- d. The Applicant shall grant a 5 foot wide public utility easement adjacent to the public street right-of-way. The easement shall be dedicated and shown on the Final Map and shown on the improvement plans.
- e. The owner of the property shall record CC&R's and establish an incorporated homeowner's association to provide long term maintenance, financing and monitoring for all shared private street improvements, private storm drains and the post construction storm water best management practices that are incorporated as part of the Project.
 - viii. The City Engineer and City Attorney must approve the substance and form of the CC&Rs and associated documents prior to the approval of the Final Map.
 - ix. The documents shall be recorded contemporaneously with the Final Map.
 - x. The CC&R's and homeowners association must provide a detailed outline of responsible parties, inspections, maintenance procedures, the perpetual maintenance and replacement of the improvements, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
 - xi. The CC&Rs shall include language detailing that the homeowners Association shall be responsible for the removal of all solid waste, recycling and compostables from the Site on a weekly basis by contracting with the City of Napa's designated collector.
 - xii. In addition, the CC&Rs and homeowners association must provide for appropriate provisions relating to enforcement options, the right of the City to access the Site 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 be a third party beneficiary to the CC&Rs with the right but not the obligation to enforce the obligations and secure attorney's fees for legal counsel to enforce such obligations.
- f. Prior to approval of the Final Map, the Applicant shall either install all onsite and offsite improvements or work with the Public Works Department Development Engineering Division to execute the City's Standard Improvement Agreement, provide bonds and provide proof of workers compensation insurance and general liability insurance in the forms and amounts as required by the Risk Manager and City Attorney. Typically, one million dollar general liability insurance is required.
- g. Prior to approval of the Final Map, the Applicant shall furnish the Public Works Department Development Engineering Division with proof of the

payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.

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

46. PRIOR TO COMMENCING ANY ACTIVITIES ON-SITE – Prior to commencing any ground disturbing activities on-site, the Applicant shall:

- a. 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.

47. PRIOR TO ISSUANCE OF A BUILDING PERMIT - Prior to issuance of the building permit for the Project the Applicant shall submit documentation to the Building Division for review and approval that indicates that the following items have been addressed:

- a. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the project or to satisfy required project mitigation measures and/or conditions prior to issuance of a building permit.
- b. Submit any remaining water connection fees to the City of Napa Public Works Department Water Division at 1340 Clay Street, Napa, 94559.
- c. **STREET IMPROVEMENT FEE** - In accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein the Applicant shall pay the Street Improvement Fee prior to issuance of any building permit for the Project. The fee is required to mitigate the cumulative impact of the traffic generated by the Site on the City's arterial and collector street system. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of development demonstrates there is a reasonable

relationship between the amount of the fees imposed and the cost of the street improvements attributable to this Project.

- d. Per the Master Fee Schedule of City Fees, Fines and Charges , the current rate for the Street Improvement Fee for this Project is \$2,904 per Dwelling Unit for the residential condominium use areas and \$4,382 per 1,000 SF for moderate service/commercial use areas.

| | Land Use | Unit | Street Component Rate | Utility Underground Rate | Street Component Fee | Utility Underground Fee |
|-----------------------|------------------------------|-------------|------------------------------|---------------------------------|-----------------------------|--------------------------------|
| New Use | Residential Condominium | 14 DU | \$1,516/DU | \$1,388/DU | \$21,224 | \$19,432 |
| Existing Use (credit) | Moderate Service/ Commercial | 4.05 KSF | \$4,109/KSF | \$273/KSF | (\$16,641) | (\$1,106) |
| | | | | | \$4,583 | \$18,326 |

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

48. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OF THE FIRST UNIT - Prior to issuance of a certificate of occupancy for the first unit the Applicant shall submit documentation to the Building Division for review and approval that indicates that the following items have been completed as reviewed and approved by the Public Works Department Development Engineering Division:

- Construct all water improvements as shown on the approved improvement plans, the City of Napa Public Works Department Standard Specifications and the special conditions listed above.
- 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. The test results shall be submitted by the Applicant to the City of Napa Public Works Department Water Division.
- Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats.
- The Applicant shall 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 Project.
- Submit any remaining meter set and/or hot-tap fees to the Public Works Department Water Division at 1340 Clay Street, Napa, 94559.

- f. The improvements identified on the Public Street Repair Plan shall be completed.
- g. All road surfaces shall be restored to pre-Project conditions after completion of any Project-related pipeline installation activities.
- h. The Applicant shall replace any damaged curb and gutter along street frontages in accordance with Public Works Department Standard Specifications prior to occupancy.
- i. All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer prior to occupancy.
- j. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- k. 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.
- l. 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.
- m. 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.
- n. 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.
- o. 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.
- p. Installation of street paving by the Applicant shall be completed and shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the Public Works Development Engineering Division and approved by the City Engineer as part of the construction plan review. Any necessary pavement conforms shall be installed prior to occupancy.
- q. The Applicant shall replace any damaged curb and gutter along street frontages in accordance with Public Works Department Standard Specifications prior to occupancy.
- r. 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.

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

FIRE PREVENTION DIVISION

- 49. In accordance with the standard mitigation measures and conditions of approval set forth by the City of Napa, the Applicant shall pay the Fire Impact Fees (see current Standard Fees and Charges adopted by resolution), prior to the issuance of any building permits.
- 50. Fire access shall be as per Sheet A-0.09.1 of the approved Project plans date stamped September 6, 2018.
- 51. 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, City of Napa standards and Nationally Recognized Standards.
- 52. There shall be no deferred submittals for fire protection equipment and related utilities. Fire protection plans shall not be attached to or bound with the building plan submittal package. This includes but is not limited to Automatic Fire Sprinkler, Fire Alarm, Fixed Fire Protection and Civil plans.
- 53. All Fire related underground piping and fire appurtenances shall be shown on the Civil plan submittal. In addition to the Civil plan submittal, (3) plan sets under separate cover shall be submitted detailing all underground piping and related fire appurtenances including but not limited to underground piping, underground sweep detail, underground trench details showing depth of burial, type of backfill, manufacturer's specifications of piping, valves joints, fittings and calculated size and locations of thrust blocks, hydrants locations (designate public or private), gate shut-off valves, PIV's, FDC's, fire pumps, fire pump and/or riser rooms.
- 54. Underground utility contractor, architect and fire sprinkler contractor shall coordinate the location of risers and control valves prior to the issuance of a building permit.
- 55. Fire Department plan review shall be based on the information submitted at the time of permit application. Any changes to the approved/permitted scope of work

including additions, alterations, demolition, repair or a change in occupancy/use may impact the project requirements, including but not limited to the installation of additional fire protection systems or components.

56. An approved water supply capable of supplying the required fire flow for fire protection systems shall be provided to all premises upon which facilities or buildings are hereby constructed or moved into or within the City. Required fire flow and hydrant distribution shall be in accordance with Appendix B and C of the California Fire Code.
57. Fire Protection 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.
58. The fire protection equipment shall be located within an interior room having an approved exterior access door or in an exterior enclosure attached to the building, specifically, for the purpose of housing such equipment. Residential fire protection equipment (risers) shall be located within an interior wall (typically in the garage) having an interior access door attached to the building, specifically for the purpose of housing such equipment.
59. Prior to building permit issuance, provide a fire department circulation plan using the City's ladder truck and demonstrate clear turning movements into and out of the Project. The final design of fire department access components shall be reviewed and approved by the Fire Marshal prior to installation.
60. Fire Apparatus Access Roads shall be designed in accordance with provisions set forth in the California Fire Code Chapter 5 and Appendix D as amended by the City of Napa and the applicable Public Works Standard.
61. 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 71,000 pounds.
62. Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction. Fire apparatus access shall be provided to within 150 feet of the most remote portions of all building from an approved exterior route. If this cannot be achieved fire apparatus turn arounds will be needed.
63. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Vertical traffic calming in the form of speed bumps, humps or dips are prohibited along fire access roads without prior approval of the fire Code Official. The minimum width and clearances established in Section 503.2.1 shall be maintained at all times.

64. When required by the Fire 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.
65. Where applicable improvement plan submittals for permit shall include locations of fire lane red curbing and fire lane signage. Please refer to and include City Public Works Standard FP-2A & 2B with plan submittals for permitting.
66. When fire sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of not less than that required for an Extra Hazard Group II use with a minimum design area of 2,500 square feet.
67. The City of Napa requires that a fire hydrant be in service within 250 feet of the furthest point of construction prior to the stockpiling of combustible materials for the beginning of construction.
68. Fire Department Connections (FDC) shall be located not more than 100 ft. from the nearest fire hydrant.
69. Improvement Plans submitted for permit shall include City of Napa Fire Department "Underground" standards, detail drawings and the applicable City of Napa Public Works Standard detail (W-7A, B, C or D) for Fire Service double detector check installations. Also, a separate set of plans shall be submitted detailing all related underground Fire utilities and appurtenances including but not limited to; All underground piping, type, sizes, depth of burial, fittings, thrust blocks, risers, pumps, hydrants, FDC's, etc.

BUILDING DIVISION

70. As a condition of this Planning approval and prior to Building permit issuance, the Applicant shall provide to the Building Division the following at time of Building Permit application: Note: The list below may not be a complete list.
 - a) A completed Building Permit application.
 - b) 6 complete sets of plans for construction for review and approval.
 - c) Energy Compliance documentation for review and approval.
 - d) Waste Reduction and Recycling Program form for review and approval, if applicable.
 - e) Fire sprinklers are required for each residence.

f) A geotechnical soils investigation and report.

71. Verification of the following shall be required prior to Building permit issuance if applicable:

1) City of Napa Water Connection fee, (707) 257-9521.

2) Napa Sanitation District approval, (707) 258-6000.

3) Napa Valley Unified School District (must show proof of payment from NVUSD), (707) 253-3549.

4) Public Works Encroachment and/or Grading permit, (707) 257-9520.

5) Napa County Environmental Health Department approval, (707) 253-6052.

6) Bay Area Air Quality Management District "Job" number for projects that require demolition of existing buildings on site, (707) 749-4762. A separate demolition permit shall be required for the existing single-family dwelling.

CITY GENERAL CONDITIONS

72. 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.

73. Unless otherwise specifically provided in this resolution, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.

74. No use authorized by this Resolution may commence until after the Applicant executes any and all required agreements.

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

of fee payment requirements; it is the Applicant's responsibility to confirm the amounts of and timing for all required fee payments).

76. Applicant shall design and construct all improvements and facilities shown on any approved Tentative Map, site plan, plans and specifications, and other documents 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, and the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved Tentative Map, site plan, plans and specifications, and other documents approved by City.
77. 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.
78. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees harmless 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 applications for the Site; (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.
79. If the Applicant is not the owner of the Site, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.
80. 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.

81. Violation of any term, condition, mitigation measure or Project description relating to these approvals is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of any one or all of these approvals and/or the institution of civil and/or criminal enforcement and/or abatement proceedings. The requirements and revocation procedures for these approvals are set forth in Titles 16 and 17 of the Napa Municipal Code.
82. 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.
83. These conditions of approval refer to and rely on various provisions of the City of Napa Municipal Code (NMC). It is the responsibility of the Applicant to review and understand all applicable requirements and provisions of the NMC. A copy of the NMC is available for review at the office of the City Clerk, and the entire NMC is available for review on and printing from the City of Napa website (cityofnapa.org).
84. These approvals will become effective on the day following Council's approval of this Resolution. These approvals shall expire or be subject to immediate revocation pursuant to the applicable provisions of the Napa Municipal Code two years after the effective date, unless an extension has been granted in compliance with all applicable requirements and provisions of the Napa Municipal Code.

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 6th day of August, 2019, by the following vote:

AYES: Gentry, Alessio, Luros, Sedgley, Techel

NOES: None


ABSENT: None

ABSTAIN: None

ATTEST:


Tiffany Carranza
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney

EXHIBIT A



COLLECTION • TREATMENT • RECOVERY • REUSE

September 27, 2018

Planning Director
City of Napa
P.O. Box 660
Napa, CA 94559

SUBJECT: 18-0105 FOSTER ROAD TOWNHOMES, REFRL-000888, Ian Birchall + Associates, 1124 FOSTER RD (Allen)

NapaSan has reviewed the above-named application, which will be reviewed at an Interdepartmental Staff Meeting.

The owner shall pay to NapaSan the prevailing fees and charges in effect as established by Resolutions and Ordinances before the issuance of a City Building Permit, and shall adhere to the rules and regulations as they apply to the application.

NapaSan has identified the following comments based on the current application. NapaSan reserves the right to modify the following conditions/comments based on changes to future applications or changes to the project site plan.

The proposed project shall be subject to the following conditions of approval:

1. A plan showing the required sanitary sewer improvements shall be prepared by a registered civil engineer conforming to NapaSan standards, and shall be submitted to NapaSan for approval.
2. The proposed sanitary sewer main shall be installed a minimum of 8 feet from the face of curb, a minimum of 10 feet from the proposed water main, and a minimum of 5 feet edge-to-edge from other utilities.
3. 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.
4. The owner shall obtain a demolition permit from NapaSan prior to removal of the existing building. Demolition credits shall be valid for a period of two years from the date the demolition permit is issued. The owner will cap and abandon the existing lateral at the main. The owner will be required to hire a Class A licensed contractor to install a new street lateral at the owner's expense.
5. The residential lots shall be served by a private 6" sanitary sewer main and shall have a NapaSan approved overflow device installed on the house cleanout. The owner shall enter into an agreement with NapaSan that outlines the maintenance responsibilities of the owner in regards to the private sanitary sewer main.

EXHIBIT A

6. The owner/developer shall enter into an improvement agreement with the NapaSan, and post the appropriate bonds covering the sanitary sewer work.
7. 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)
8. The appropriate language shall be included in the CC&R's regarding maintenance of the sanitary sewer lateral serving the building. A draft set shall be submitted to NapaSan for review.
9. NapaSan has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at NapaSan's website (www.NapaSan.com). NapaSan 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.

The capacity charge for an equivalent dwelling unit currently is \$9,624 and will increase by the Consumer Price Index (CPI) annually in July. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff for additional information regarding capacity charges.

Please include this information as a part of your consideration of the application.

Sincerely,

Simon Kobayashi, P.E.
Associate Engineer