

RESOLUTION R2020-013

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING AN AMENDED TENTATIVE SUBDIVISION MAP FOR NAPA PIPE, AMENDMENTS TO THE NAPA PIPE DEVELOPMENT PLAN, AND AMENDMENTS TO THE NAPA PIPE DESIGN GUIDELINES, AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on September 28, 2018, Napa Redevelopment Partners, LLC ("Applicant") submitted an application (PL18-0168) for a revision to the Napa Pipe Tentative Subdivision Map pursuant to Napa Municipal Code ("NMC") Chapter 16.20 ("Amended Tentative Map"), amendments to the Napa Pipe Development Plan ("Amended Development Plan") and amendments to the Design Guidelines ("Amended Design Guidelines") for the 154-acre Napa Pipe Property located at 1025 Kaiser Road (APNs 046-400-054, 046-400-055, 046-412-006 and 046-412-007) ("Site"); and

WHEREAS, Applicant's application also requested approval of a General Plan Amendment, Zoning Map and Text Amendments, and a Development Agreement Amendment; and

WHEREAS, together, all of the above described components of application PL18-0168 comprise the "Project" evaluated by that certain Addendum to the Napa Pipe EIR for the Napa Pipe Project dated November 2019 (the "2019 Addendum"), prepared by the City pursuant to the requirements of the California Environmental Quality Act ("CEQA") and its implementing regulations (the "CEQA Guidelines") as an addendum to the Napa Pipe Final Environmental Impact Report (State Clearinghouse No. 2008122111; the "Certified EIR"), certified by the Napa County Board of Supervisors on January 14, 2013; and

WHEREAS, the 2019 Addendum concluded that none of the conditions described under CEQA Guidelines Section 15162 requiring further environmental review are present, and accordingly, no subsequent or supplemental environmental impact report or negative declaration is required for the Project; and

WHEREAS, in accordance with NMC Section 17.34 the Project requires review by the Napa County Airport Land Use Commission ("ALUC") for a consistency determination prior to City Council action on the application because portions of the Project Site are within the Napa County Airport Land Use Compatibility Plan ("ALUCP"); and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on December 5, 2019, to consider the Project and the 2019 Addendum, and following the public hearing, the Commission recommended that the City Council (a) find, based on the 2019 Addendum and pursuant to Sections 15162, 15164

and 15168 of the CEQA Guidelines, that the Project is within the scope of the project that was evaluated in the Certified EIR (including the prior Supplemental EIR and also the 2014 Addendum prepared by the City) and no further environmental review is required to approve application PL18-0168, and (b) approve the Project; and

WHEREAS, the Planning Commission referred the Project to the ALUC for a consistency determination; and

WHEREAS, on December 18, 2019, the ALUC reviewed the Project, and determined that the Project is consistent with the ALUCP as required by NMC Section 17.34; and

WHEREAS, on January 21, 2020, the City Council of the City of Napa held a duly noticed public hearing on the Amended Tentative Subdivision Map, Amended Development Plan and Amended Design Guidelines in accordance with the requirements of the Government Code and the Napa Municipal Code; and

WHEREAS, the City Council has considered all information related to this Amended Tentative Subdivision Map, Amended Development Plan and Amended Design Guidelines, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

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

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

Section 2. The City Council hereby determines, based on the 2019 Addendum and the Certified EIR, that the potential environmental effects of the actions authorized by this resolution fall within the scope of the potential environmental effects identified and evaluated in the Certified EIR, pursuant to CEQA Guidelines Sections 15162, 15164, and 15168, and that the requested amendments to the Project would not have any environmental effects that were not addressed in the Certified EIR, that none of the conditions described in Section 15162 of the CEQA Guidelines requiring preparation of a subsequent environmental document would occur as a result of the amendments to the Project, and therefore no additional environmental review or document is required.

Section 3. The City Council hereby approves the Amended Tentative Map and makes the following findings in support of this approval:

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

The 154-acre site is planned to be a mixed-use community with residential and nonresidential uses, open space, and other public amenities to achieve a variety of City objectives. The proposed changes are consistent with the General Plan land use diagram and policies.

The Project is consistent with a variety of General Plan policies, including but not limited to Transportation Element Goal T-1 which seeks to “provide for extension and improvement of the City’s roadway system to ensure the safe and efficient movement of people and goods, and is overall consistent with the General Plan.

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, to the extent feasible, for passive heating and cooling opportunities with building orientation, retention of existing vegetation, and landscaping consistent with the State Subdivision Map Act and City guidelines.

Section 4. The City Council hereby approves the Amended Development Plan, dated January 21, 2020, and the Amended Design Guidelines, dated January 21, 2020, each as on file with the City Clerk and makes the following findings in support of its approval:

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

The proposed Amended Development Plan and Amended Design Guidelines facilitate and set forth desirable design standards for the future commercial, industrial and residential improvements of the Site that are consistent with the Mixed Use and Light Industrial General Plan designations, and the Napa Pipe Master Plan. The Amended Development Plan and Amended Design Guidelines are also consistent with several policies and principles of the General Plan, including policies that encourage the creative and efficient use of vacant land along with providing an increased mix of various types of housing throughout the City to meet the community’s housing needs. The Amended Development Plan and Amended Design Guidelines are consistent with the following General Plan policies:

Land Use Element Policy LU-3.3 states, “The City shall endeavor to maintain an even rate of development within the RUL over the plan period.”

The size of the Project that is governed by the Project Zoning (as amended), Development Agreement, Amended Tentative Map, Amended Development Plan and Amended Design Guidelines would not substantially contribute to City-wide growth rates and therefore represents an even rate of development within the Rural Urban Limit (RUL) line over the plan period.

Land Use Element Policy LU-4.1 seeks to "...require new residential development to conform to the density range shown in [the General Plan], and to be consistent with the general neighborhood typology of the surrounding area. The City may require clustering in environmentally sensitive areas when special measures are adopted to ensure the sensitive portions of each property remain undeveloped in the future."

The proposed Project as governed by the Development Agreement, Amended Development Plan and Amended Design Guidelines (and Amended Tentative Map) involves allowing residential units on the east side of the railroad tracks where industrial uses were previously approved, which is why the Amendments are requested. The Amended Development Plan and Amended Design Guidelines would conform to the proposed General Plan and Zoning Amendments.

Land Use Policy LU-10.1 states, "The City shall promote an urban form that integrates the urban environment with the city's natural features."

The Project that would be governed by the Amended Development Plan and Amended Design Guidelines will integrate new development into natural features of the Site through clustered development.

Land Use Policy LU-3.2 seeks to "minimize urban/rural conflicts (e.g., pesticides, odors, noise, vandalism, feral pets), the City shall ensure a buffer is provided (agricultural setback) between residential uses on the periphery of the RUL and productive agricultural land outside the RUL."

The Site that is governed by the Development Agreement, Zoning and by the Amended Development Plan and Amended Design Guidelines is within the RUL. A buffer of at least 80 feet from residential homes is included at boundaries shared with agricultural land outside the RUL.

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

The proposed Amended Development Plan and Amended Design Guidelines dictate Site layouts and architectural designs that are consistent with the goals, policies and recommendations outlined in the residential and commercial design guidelines. The proposed Project maintains consistent lot orientation and lot sizes that are compatible with the existing neighborhood. The proposed architecture is consistent with the policies outlined in the Residential Design Guidelines. A mix of coherent forms, details, and materials are proposed to create a variety of homes which complement the neighborhood. The design of the homes includes one story and two-story homes 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 Amended Development Plan and Amended Design Guidelines are consistent with NMC Title 17 as conditioned. As such, with implementation of the adopted conditions of approval, the proposed Amended Development Plan and Amended Design Guidelines would not result in any significant impacts. The design of the proposed subdivision and single-family homes does not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

Section 5. The City Council hereby approves the alternative equivalent proposal attached hereto and incorporated here in as Exhibit A ("Alternative Equivalent Proposal") pursuant to NMC Section 15.94.070 and finds that the proposal will further affordable housing opportunities in the city to an equal or greater extent than payment of the affordable housing impact fees authorized by NMC Chapter 15.94 and implementing resolutions.

Section 6. The City Council's approval of the Amended Tentative Map, Amended Development Plan and Amended Design Guidelines is subject to the following conditions:

Community Development – Planning Division:

1. Scope of Approval. This Amended Tentative Map, Amended Development Plan and Amended Design Guidelines authorize the development of the Site as follows:
 - a. 700 dwelling units (or up to 945 units with a density bonus under Government Code section 65915) of which approximately 20% would be deed restricted, as described in the Development Agreement, Exhibit B (Affordable Housing Plan), as affordable to moderate, low- and very-low income households;
 - b. A continuing care retirement center of up to 150-units with up to 225 beds, with 24-hour on-site paramedic service;
 - c. A total of 40,000 square feet of neighborhood serving retail (25,000 sq. ft.) and restaurant (15,000 sq. ft.) uses;
 - d. 100,000 square feet of office;
 - e. 75,000 square feet of warehouse/R&D;
 - f. A 150-room hotel with ancillary facilities including but not limited to meeting space, restaurant, retail, and spa;
 - g. A 154,000 square foot Membership Warehouse Store (such as a Costco) with a gas station;
 - h. Publicly accessible and privately-maintained parks and open space;
 - i. Community facilities (see 2.D and 2.E, below);
 - j. Publicly accessible and privately-maintained roads;
 - k. Infrastructure; and

- I. Subdivision of the Site into 44 blocks/lots in accordance with the Amended Tentative Map. Final subdivision maps ("Final Maps") may be phased;
2. All plans for development on the Site submitted for building permits shall substantially conform to the Napa Pipe Master Plan Zoning District, Development Agreement, Amended Development Plan, Amended Design Guidelines and these Conditions of Approval.
3. The Amended Development Plan Vol. 1, dated January 21, 2020, is approved. Within 60 days of the date of this Resolution, the Applicant shall provide an updated Development Plan Vol. 2 to reflect the Project approvals for review and approval by the Community Development Director. The documents included in Vol. 2 are submitted for convenience of reference purposes only and are not a part of the Development Plan.
4. The Amended Design Guidelines, dated January 21, 2020, are approved.
5. Subject to Section 8.4 of the Development Agreement, all construction and use of the Site shall comply with all applicable standards, codes, and regulations, including NMC Chapter 15.04, at the time of building permit issuance.
6. Any new use, or any change in the type or nature of a use described in the Development Agreement and the Amended Development Plan within the non-residential structures shall require administrative review and approval by the Planning Division prior to occupancy. The Applicant shall, where applicable, provide the Planning Division with a written profile of the proposed tenant, including name, description of proposed use, employees, a list of any hazardous materials, and any other information deemed necessary by the Planning Division.
7. Notice of Project Restrictions. The Applicant shall record a Notice of Project Restrictions in the official records of Napa County and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the Site, or Final Map, as applicable. The Notice of Project Restrictions shall provide a description of the Site, shall include a true and correct copy of these Conditions of Approval, and be signed and notarized by each property owner of record and shall state the following:
 - a. This Notice of Project Restrictions is for informing interested persons of the fact that development approvals have been given by City of Napa regarding the herein described property and that such approvals are conditioned upon compliance with certain restrictions that run with the land and are binding upon subsequent owners of the property. A true and correct copy of the applicable Conditions of Approval is attached hereto. More information about the restrictions applicable to this property and the development approvals can be obtained from the City of Napa

Community Development Department at 1600 First Street, Napa, California.

8. Mitigation Measures. The Applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program attached to the Development Agreement as Exhibit E and with the Napa Pipe Intersection Improvement Plan attached to the Development Agreement as Exhibit C that more specifically describes the mitigation measures required with respect to traffic improvements and fair share payments.
9. Subsequent Approvals. Applications for Subsequent Approvals, including applications for new development that require review and approval for consistency with the Amended Development Plan and Amended Design Guidelines shall be processed in accordance with the Plan Review and Approval Procedures attached to the Development Agreement as Exhibit F, and the Subdivision Procedures in Exhibit I to the Development Agreement, incorporated herein. To the extent that there is an inconsistency between NMC Title 16 (Subdivisions) and the Subdivision Procedures attached as Exhibit I, the Subdivision Procedures shall control; provided however, in the event of an inconsistency between the Subdivision Procedures in Exhibit I of the Development Agreement and the Subdivision Map Act, the Subdivision Map Act shall control. In the processing of Subsequent Approvals, the City of Napa may retain a third party permit review consultant having experience and ability to review the application. Applicant shall pay all applicable Processing Fees (including third party consultant fees) and reimburse the City for the actual costs incurred in the permit review and inspection process including, but without duplication of reviews or costs, by any third-party consultant, consistent with Section 18.2 of the Development Agreement.
10. Final Map Conditions. No building permits shall be issued for development until approval of a Final Map for the applicable Block in accordance with the Subdivision Procedures attached to the Development Agreement as Exhibit I. The Applicant may submit multiple Final Maps in accordance with the Subdivision Map Act and NMC Title 16 (Subdivisions).
11. The Applicant shall provide the City with a draft of the applicable Covenants, Conditions & Restrictions (CC&Rs) to be recorded against any property that is the subject of the Final Map in accordance with the requirements of Section 16 of the Development Agreement. The CC&Rs shall include a mechanism to provide for the maintenance of all private improvements including but not limited to private Project Infrastructure facilities, wetland restoration, public trails, parks and open space, community buildings and structures, and improvements in the dry dock area. The CC&Rs shall be submitted to the City Attorney for approval as to form. 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.

12. Individual Final Maps shall be processed in accordance with the California Subdivision Map Act and NMC Title 16 (Subdivisions) as modified by the procedures and provisions set forth in the Development Agreement and Exhibit I attached to the Development Agreement.
 - a. In connection with each Final Map that requires construction of water and/or wastewater facilities, the Applicant shall provide an offer of dedication of:
 - i. The City of Napa water service facilities components of Project Infrastructure and associated easements or other rights for access and maintenance to the City.
 - ii. The waste-water facilities components of Project Infrastructure and associated easements or other rights for access and maintenance to the Napa Sanitation District.
 - b. Neither the City nor the Napa Sanitation District shall be required to accept such offers of dedication unless and until the Project Infrastructure at issue has been constructed in accordance with the approved Improvement Plans, and to the reasonable satisfaction of the Public Works Director and the Napa Sanitation District, as applicable.
13. Phasing of Project Infrastructure and private development is subject to the Phasing Plan attached to the Development Agreement (Exhibit D) and as specifically identified through the Subdivision Procedures set forth in Exhibit I of the Development Agreement.
14. Development within any individual parcel or block unit shall trigger the obligation to construct the surrounding infrastructure and surface improvements to the back of curb on the opposite side of the street bounding that parcel.
15. Each Final Map and associated improvement plans shall include landscape and irrigation plans within the boundaries or adjacent to the boundaries of the Final Map.
16. Community Facilities. The Applicant shall construct/provide approximately 15,600 square feet of community facilities in accordance the Amended Development Plan and the Development Agreement.
17. Community Facilities Space. The Applicant shall provide an approximately 1,000 gross square foot "warm shell" space for community facilities in accordance with Section 15.2.5 of the Development Agreement.
18. Parking. Adequate parking spaces for residential and non-residential uses shall be provided in accordance with the Amended Development Plan, throughout all

development phases. Phasing of the Napa Pipe Project shall progress in a manner that will ensure that adequate parking is provided for the entire Napa Pipe Project at all phases of development. Prior to the commencement of Phase 2, a parking audit/study shall be prepared by a qualified professional approved by the City, and paid for by the Applicant, to estimate parking demand for the Napa Pipe Project in aggregate. The audit/study will include, at a minimum, the following scope of work:

- a. Determine the efficacy of the existing parking plan, including but not limited to parking supply, parking demand, proximity of parking to land uses, and suitability of guest parking. For example, prior to Phase 3, it would estimate total parking demand across Phases 1, 2 and 3, incorporating any opportunities to share parking between the Phases as well as sharing of parking within Phase 3 alone.
 - b. Identify ways to improve the overall efficacy of the parking plan, and if necessary, make recommendations for the City to modify or add new parking standards.
 - c. After full absorption/lease-up of each Phase, a physical count of parked vehicles (occupancy count) shall be conducted during the peak period (peak periods in case there are Phases that do not share peaks with one another), as identified in the shared parking analysis. The count would be compared with the all-Phases demand estimate. Any surpluses or shortages would be addressed in the parking demand estimate for the subsequent Phase.
 - d. In case there are parking areas that are not visible during the occupancy count (such as garages that are not accessible), an assumption that is agreed-upon between the City and Applicant would be made about the occupancy. The latest version of the Urban Land Institute's *Shared Parking* may be used to inform this assumption.
19. Floodgates. The Applicant shall construct the floodgates in accordance with the Amended Development Plan, the Phasing Plan (Exhibit D to the Development Agreement), and Section 15.6 of the Development Agreement and supporting reports submitted to the City and Napa County Flood and Water Conservation District (the "Flood District"), subject to obtaining all necessary regulatory approvals, including without limitation, approval by the Public Utilities Commission and the City Public Works Director, and the Flood District. Without limiting the foregoing, it is anticipated that Flood District approval will require Flood District review and approval over the planning, design and construction of the floodgates and an obligation for Applicant (and upon transfer, the Responsible Owners Association described in the Development Agreement, Section 16) to reimburse the Flood District for operation and maintenance costs and for costs incurred in connection with the review, approval and oversight of the floodgate planning, design and construction. Applicant shall obtain the regulatory approvals described above and install the floodgates prior to issuance of the first certificate

of occupancy for any residential or non-residential building structure on the Western Parcel (as defined in the Development Agreement).

20. Paramedic Services. Any continuing care retirement center (CCRC) facility developed on the Napa Pipe Project Site shall comply with the paramedic services requirements set forth in Section 15.2.4(b) of the Development Agreement.

21. Grading/Access:

- a. All buildings will have finished floor elevations one foot above Base Flood Elevation.
- b. All access roads on Assessor's Parcel Number 046-400-055 that are shown on the Amended Development Plan including the bridge to Anselmo Court and Anselmo Court/Corporate Drive improvements shall be at Base Flood Elevation or higher.
- c. All multi-family developments shall be constructed with an evacuation route out of the development where the roadway has been constructed at Base Flood Elevation or higher.
- d. Prior to construction on APN 046-412-006 or 046-412-007 the Applicant shall obtain any necessary Public Utilities Commission approvals to construct three at grade railroad crossings with floodgates (on the North and South crossings) for use in flood events, and approval by the Public Works Director of a mechanism to provide for flood gate implementation.
- e. The Applicant shall provide documentation to the satisfaction of the Community Development Director from the Napa County Mosquito Abatement District that adequate access is provided to the Site for vehicular access associated with District abatement activities, and the establishment of a funding mechanism sufficient to cover on-site vector control and necessary District abatement activities.
- f. Construction of on-site roadways as shown on the Amended Development Plan may be phased to the satisfaction of the Public Works Director and Fire Marshal consistent with the Phasing Plan.
- g. Construction of an at-grade trail from the existing trail's current terminus on Anselmo Drive through the Napa Pipe Project Site to the Kennedy Park property line shall be completed as part of Phase 1. A temporary trail may be constructed subject to the approval of the Public Works Director until such time that the permanent trail is constructed. The trail shall have a minimum width of 10- feet.
- h. All plans shall be prepared on the NAVD 88.

22. Fees and Exactions:

- a. Applicant shall pay the amount of the County's Non-Residential Affordable Housing Mitigation Fee for the CCRC units as provided in Section 4.2 of the Affordable Housing Plan, Exhibit B. For purposes of calculating the in-lieu fee applicable to the CCRC units, the gross square foot of residential floor area

shall include only the gross square footage of rooms that are designed or used for living by one or more occupants and that contain a sleeping unit, as defined by the California Building Code, whether or not the unit contains provisions for sanitation or kitchen facilities, and shall not include common areas.

- b. As set forth in Section 8.2 of the Development Agreement, Applicant must pay to the City the amount of the County's Non-Residential Affordable Housing Impact Fee (Napa County Zoning Code, Chapter 18.107) to City in connection with the issuance of all non-residential building permits issued for development of the Site in lieu of and in full satisfaction of the City's Affordable Housing Impact fee for non-residential development. Notwithstanding the foregoing, as set forth in Section 8.3 of the Development Agreement, for development of a hotel on Parcel E, Applicant may elect to pay the amount of the City's Affordable Housing Impact fee for non-residential development in connection with the issuance of a non-residential building permit for a hotel on Parcel E subject to reimbursement by City of a portion of the fee pursuant to an executed, written agreement between the Applicant and the City. If City and Applicant are unable to reach agreement on a reimbursement plan prior to the time that payment of the fee is due, then Applicant shall pay to City the amount of the otherwise applicable County fee.
- c. Applicant shall comply with the City's Public Art Ordinance as required under the Development Agreement.
- d. Applicant shall comply with all affordable housing requirements set forth in the Affordable Housing Plan attached as Exhibit B to the Development Agreement.

23. During all construction activities the Applicant shall comply with the Bay Area Air Quality Management District Basic Construction Mitigation Measures as provided in Table 8-1, May 2011 Updated CEQA Guidelines as follows:

- a. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access (road) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 24. Except as may be otherwise provided in the Development Agreement, the Applicant shall comply with all applicable building codes, zoning standards, and requirements of City Divisions and Departments and requirements of other local agencies with jurisdiction over the Project at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:
 - a. Napa Sanitation District as stated in their conditions memo letter dated August 29, 2019 attached as Exhibit B.

Public Works Department:

- 25. 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.
- 26. IMPROVEMENT PLANS – The following items shall be shown on the improvement plans prior to approval of the plans:
 - a. General:
 - (1) Project specific 'Special Conditions' will be prepared for each commercial and residential project within the Site. Where different, Special Conditions will supersede Standard Conditions.
 - (2) Any additional right-of-way necessary to accommodate public improvements shall be dedicated to the City prior to issuance of an encroachment permit.
 - (3) 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. Refer to Table 3.1 Street Design Criteria for minimal structural sections. (Revised 8/23/2018). CHECK STREET CATEGORY AND REFER TO TABLE.
 - (4) 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

- (5) 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.
 - (6) The improvement plans shall include an Erosion and Sediment Control Plan.
 - (7) The improvement plans shall include a Joint Trench Intent Plan.
 - (8) A Construction Traffic Control Plan shall be submitted and approved by the City prior to issuance of an encroachment permit for public improvements.
 - (9) All utilities within the Site shall be placed underground subject to the provisions in the NMC Section 16.36.090 Underground Utilities.
 - (10) The public improvement plans shall include a Public Street Repair Plan (showing the repair details and limits of repair) for all improvement installations that will result in the cutting, demolition, destruction, etc. of any existing improvements within the public right of way including but not limited to the installation of curb, gutter, sidewalk, utilities (water, sewer, storm drain, electrical, cable TV, telephone, etc.). This plan shall be updated during the construction process as necessary to reflect any unanticipated street repairs. Associated with said plan are the following requirements:
 - (a) 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 ditches and reconstruction of any potholed and/or alligatored areas contiguous to new improvements. 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.
 - (b) 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.
- b. For trenching within existing roadway areas, the Applicant's engineer or contractor shall pothole or otherwise physically determine the actual horizontal location and vertical depth of all underground utility systems throughout the proposed area of work, which could potentially result in interruption of service. 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.

- c. The private streets shall be clearly distinguishable from the public streets.

27. 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. All existing storm drains, drainage inlets, storm drain manholes, etc. shall be shown in the plans along with all the relevant information describing each item such as inverts, sizes, slopes, etc.
- b. Lot grading and drainage system improvements shall be installed by the Applicant as part of the subdivision improvements.
- 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, without inundating living spaces or garages.
- f. Applicant to follow and comply with NMC Chapter 8.36 Stormwater Quality Ordinance.
- g. If a parcel-specific project creates more than 2,500 sq.ft. of impervious area, then 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.
- h. 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 each parcel-specific project construction process.

- (1) **Projects < 1 acre:** Provide an Erosion and Sediment Control Plan (ESCP)
See ESCP template at:
http://www.cityofnapa.org/images/publicworks/BUD/escp_reviewprocjun2014.pdf.

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

PLEASE NOTE: Item above does not require a separate Erosion and Sediment Control Plan (ESCP). The ESCP is a part or element of these plans; however, the SWPPP must address all elements of the required ESCP. See ESCP template at: <http://www.cityofnapa.org/574/Stormwater-Quality>

- (3) The construction BMP's shall be shown on the Project Erosion and Sediment Control Plan (ESCP).
 - (4) 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
 - (5) 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.
 - (6) 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.
- i. **POST CONSTRUCTION WATER QUALITY MEASURES** - In accordance with the City of Napa, "BASMAA Post-Construction Manual prepared by the Bay Area Stormwater Management Agencies Associated (BASMAA) Phase II Committee, dated July 14, 2014" the Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the Project design to mitigate Project impacts to water quality. <http://www.cityofnapa.org/574/Stormwater-Quality> Under "Documents"
- (1) The post-construction BMP's shall be shown on the Project improvement plans and in the required Storm Water Control Plan (SCP).
 - (2) 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.
 - (3) 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.
 - (4) 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.
 - (5) The Project post-construction BMP's shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control

Standards, BASMAA Post-Construction Manual and accepted design review Stormwater Control Plan.

- j. 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 Public 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.
- k. The Applicant shall install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved connection point or outfall.
- l. The property owner or owner's association 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.
 - (1) The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
 - (2) The agreement shall be recorded prior to approval of the Improvement Plans. The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Napa shall either be a signatory to the agreement or a third party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney's fees for legal counsel to enforce such obligations.
 - (3) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
 - (4) Appropriate easements or other arrangements satisfactory to the City Engineer and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.

- (5) 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.
- (6) 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.
- (7) 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)

28. 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 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.

29. 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. The Applicant shall comply with the requirements of the NMC Chapter 17.38 Floodplain Management for all new construction within the Special Flood Hazard Area and with the requirements of NMC Section 17.52.300 for all parcels on the Site designated as Measure A Parcels. These include but are not limited to:
 - (1) The Project site plan shall indicate the limits and Base Flood Elevation (BFE) of the Floodplain as delineated in the current FEMA FIS and FIRM prepared for the County of Napa. All elevations should be based on NAD88 datum and so noted on the site plan.
 - (2) All new construction or substantial improvement shall be flood proofed to a minimum of one foot above the BFE per FEMA Technical Bulletin 7-93 and shall be noted on the plans.
 - (3) If applicable, indicate on plans water resistant materials for all construction below BFE plus one foot per FEMA Technical Bulletin 2-93.
 - (4) If applicable, indicate on plans that electrical, heating, ventilation, plumbing, air conditioning equipment (including ductwork) and other services are located a minimum of one foot above BFE or flood proofed to one foot above the BFE.
 - (5) Provide a post-construction Elevation Certificate prepared by a Licensed Surveyor (or Civil Engineer authorized to perform surveying by the State) verifying the correct elevation of the lowest floor relative to the FEMA identified Base Flood Elevation. All referenced elevations shall be based on NAD88 datum and the current FEMA FIS and FIRM prepared for the County of Napa.
 - (6) The Applicant shall either flood proof the buildings, or the lowest floor, including basement, shall be elevated to at least one foot above the base flood elevation. Any proposed flood proofing shall be reviewed and approved by

the CDD Building Division and the Public Works Department prior to improvement plan approval.

- c. This Project is subject to the requirements in NMC Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc.
- d. The Applicant shall provide a recycling/solid waste enclosure in accordance with NMC Section 17.52.390 and the City's "Solid Waste and Recycling Enclosure Standards". The location, layout and dimensions of this facility shall be shown on the improvement plans.
- e. Food Establishments/Outdoor Dining
 - 1.Applicant shall comply with Best Management Practices (BMPs) to ensure trash, debris, organic materials, oil and grease, toxic chemicals in cleaning products, disinfectants, and pesticides do not enter the City's Stormdrain system.
 - 2.Applicant shall comply with the City of Napa Stormwater Pollution Ordinance NMC Chapter 8.36 to avoid or eliminate "Illicit Discharges" into the City's stormdrain system.
 - 3.Applicant shall be responsible for maintaining the cleanliness of the outdoor dining area including disposal of litter, garbage and pavement cleaning.
 - 4.Applicant shall place no garbage generated by the outdoor dining area into public trash cans.
 - 5.Applicant shall clean up any spills promptly.
 - 6.Applicant shall steam clean or pressure wash concrete in the outdoor dining area at least once a month or more often as needed to remove stains. Storm Drains and curb and gutter drain directly to the Napa River, a water of the State of California. It is unlawful to pollute water flowing to the Napa River with any substance or materials deleterious to fish, plant life or bird life. The Applicant shall conduct its outdoor dining operations in such a manner as to avoid water pollution. The Applicant shall take particular care when conducting outside cleaning. The Applicant shall coordinate with the Napa Sanitation District prior to disposing surface cleaning discharge into sanitary sewers.

30. SOLID WASTE, RECYCLABLE MATERIALS, COMPOSTABLES DIVERSION.
The following conditions apply:

- A. The Applicant shall provide adequate, accessible, and convenient areas for the collection and loading of all waste streams. Collection and loading areas shall contain adequate area to accommodate all waste streams generated by the Project. All service locations and/or enclosures shall be accessible by collection vehicles. The Utilities Department Director shall approve the design and location of each collection and loading area.

- B. The Applicant shall indicate the storage location and quantity of the solid waste/recycling/compost carts/bins on the plan set; trash enclosures onsite shall comply with the City's Solid Waste, Recyclable Materials and Compostables Enclosures Standards.
- C. Where applicable, the Applicant shall provide one or more trash enclosures (decorative masonry or equivalent) where required by the Amended Development Plan or Amended Design Guidelines, the design of which shall be compatible with the architecture of the Project and the City's Solid Waste, Recyclable Materials and Compostables Enclosures Standards. The Utilities Department Director shall approve the design and location of each enclosure.

31. CONSTRUCTION DEBRIS RECYCLING. The Applicant shall comply with the requirements of NMC Chapter 15.32, which requires projects that; (a) exceed \$100,000 in building valuation; or (b) exceed 5,000 sq. ft. of new, improved, or remodeled areas; to file a Waste Reduction and Recycling Plan (WRRP) with the building permit application. No building permit shall be issued for the Project until the Compliance Official has approved the WRRP. The plan shall document that recyclable materials shall be 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 at the conclusion of construction shall be submitted for review by the Compliance Official prior to the approval of a Certificate of Occupancy. Sign-off from Materials Diversion for a Certificate of Occupancy shall not occur until the weight tag documentation is approved.

32. 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 in accordance with the Annexation Consent, Protest waiver and Water Service Agreement, dated September 1, 2015, pay 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 applicable 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 a deposit equal to 1.5 % of Engineer's Estimate of the cost of construction of Public Works infrastructure for inspection fees.
- d. Any work performed on neighboring properties shall be done in accordance with temporary construction easements, license agreements, or permits to enter 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 NMC Section 16.36.200 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. A licensed geotechnical engineer shall 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 the geotechnical report of record. Additional soils information may be required by the Chief Building Inspector during the plan check of building plans in accordance with NMC Title 15.
- g. The Applicant shall provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.

33. SUBDIVISION MAP - FINAL MAP OR PARCEL MAP - The Applicant shall submit each Project Final Map for review by the Public Works Department Development Engineering Division and approval by the City Engineer. The form and approval of each 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 each Final Map.
- b. The Applicant shall grant public utility easements adjacent to the public street right-of-way, where required.
- c. Prior to approval of each 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.
- d. Prior to approval of each 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.
- e. 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 each 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 and shall be in forms approved by the City Attorney.

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

- a. Submit a copy of the Notice of Intent (NOI) for coverage under the State Water Resources Control Board's General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).
- b. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
 - (1) (6) full-size bond copies of the approved Improvement Plans for the City's use.
 - (2) (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.
 - (3) (1) job-site copy of the approved SWPPP for their use.

35. 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. Submit any remaining water connection fees to the City of Napa Water Division at 1700 Second Street, Suite 100, Napa, 94559.

36. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OF THE FIRST UNIT OF EACH INDIVIDUAL DEVELOPMENT PROJECT WITHIN THE NAPA PIPE MASTER PLAN DISTRICT - 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:

- a. Construct improvements as shown on the approved improvement plans, the City of Napa Public Works Department Standard Specifications and the special conditions listed above.
- b. 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 Water Division.
- c. Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats.
- d. 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 proposed Project.

- e. Submit any remaining meter set and/or hot-tap fees to the Water Division at 1700 Second Street, Suite 100, Street, Napa, 94559.
- f. Provide the Water Division with written documentation identifying all water meter boxes with the appropriate street address (Note: applies to water meters installed in groups of two or more – addresses to be provided by the City of Napa), APN of the parcel, building connections, points of service, and the new water service account numbers specific to the addresses and/or parcels being served.
- g. All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer prior to occupancy and in accordance with the Development Agreement. This will be documented by submitting an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- 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 Stormwater Control Plan.
- j. 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.
- k. 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.
- l. 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.
- m. As applicable, the Applicant shall complete, certify, and submit the Floodproofing Certificate to the Public Works Department. The Applicant shall submit the Elevation Certificate to the Public Works Department.
- n. 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.
- o. 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.

37. PRIOR TO INITIATION OF WATER SERVICE:

- a. The Applicant shall comply with all obligations and requirements of that certain Annexation Consent, Protest Waiver, and Water Service Agreement By and Between the City of Napa and Napa Redevelopment Partners dated September 1, 2015 (the Water Service Agreement), including but not limited to payment of the Water Capacity Fees described in Section 4.4 thereof.
- b. The Applicant shall have all backflow devices installed. The Applicant shall have all backflow devices tested by an AWWA certified tester from (a list of testers provided by the City of Napa). The test results shall be submitted by the Applicant to the City of Napa Water Division.
- c. The Applicant shall pay all meter set fees and hot tap fees to the Water Division at the time of installation. Fees shall be paid at the Water Division office, 1700 Second Street, Suite 100 in Napa.
- d. Construct all water improvements as shown on the approved improvement plans in accordance with City of Napa Public Works Department Standard Specifications and the special conditions listed above.
- e. Ensure all cathodic protection measures are installed, tested, approved and accepted by a City-approved corrosion specialist to ensure electrical conductivity and to confirm all anodes meet the minimum electric potential requirements. All cathodic protection system(s) that fail inspection or testing shall be removed and replaced at the Applicant's expense.
- f. Identify all water meter boxes along the Project frontage with the appropriate street address (addresses to be provided by City).
- g. Identify all City fire hydrants (along the property frontage) with City-approved tags.
- h. Provide written documentation identifying specific building connections and points of service. The documentation shall include the APN of the parcel, the street address(es) associated with each parcel, and the water service account number(s) associated with each parcel.
- i. Record all "Private Water Easements" necessary to extend private services behind the public water meter to the properties of which they serve, as approved by the City.

Utilities Department – Water Division:

38. Prior to approval of the improvement plans, Applicant shall submit the following:

- A. Payments for water infrastructure improvements which are outlined as follows:
 - 1) One-time payment for Water Supply: \$900,000 based on recent purchase of State Water Project entitlements from Town of Yountville, in accordance with the Water Service Agreement.
 - 2) Infrastructure payment. The City requires reimbursement for specific treatment, transmission and storage infrastructure that directly benefit the

Project. Cost shown below are the proportional share of design and construction costs (not including City staff time) of the facility based on the Project's demands. Reimbursement can be a one-time payment, or a surcharge distributed equitably as development occurs.

- a. Treatment \$747,000 for Barwick Jamieson Treatment plant.
 - b. Transmission: \$112,000 for 24-inch pipeline on Hwy 221 and \$137,000 for Dwyer Road Pump Station.
 - c. Storage: \$900,000 for Imola Tank and Pipeline.
- 3) Connection Fee. Contribute 50% of a water connection fee study to update fees and calculate a fee specific to the Project which takes into account the payments made in item 1) and 2) above.

B. A soil corrosivity report which at a minimum shall include the following corrosivity tests:

- | | |
|-----------------------------------|--------------|
| 1) Chlorides | (ASTM D4327) |
| 2) pH | (ASTM 04972) |
| 3) Resistivity at 100% saturation | (ASTM G57) |
| 4) Sulfate | (ASTM D4327) |
| 5) Redox Potential | (ASTM 01498) |

C. A civil improvement plan outlining infrastructure improvements sufficient to meet City water quality, operational and fire flow standards, more specifically described as follows:

- 1) Abandonment of any existing unused water service(s).
- 2) Water Line Construction:
 - a) Construct approximately 2500 feet of 12-inch water line between 8-inch line stubbed on Soscol Ferry Road and 12-inch line stubbed on Napa Valley Corporate Drive.
 - b) Construct approximately 850 feet of 12-inch water line between Napa Valley Corporate Drive near Anselmo Court to the property site to provide a looped system and second feed to the Project area. Includes reinstating existing service(s) and hydrant(s) to new 12-inch waterline that are currently being served by the existing 8-inch pipeline in Anselmo Court. Includes tie-in to existing 8-inch pipeline in Anselmo Court.
 - c) Construction of the above (2a) extension pipelines shall commence prior to the first building permit of Phase 3. Construction of the above (2b) extension pipelines shall be completed prior to first issuance of building permit for Phase 1.
- 3) Up to three railroad crossings and all points of connection required to supply all water infrastructure required for the Project.
 - a. One railroad crossing to Phase 2 (south crossing) shall occur prior to first issuance of building permit for Phase 2.

- b. One railroad crossing shall occur prior to the last residential certificate of occupancy of Phase 2 to allow for the completion of the Phase 2 water connection loop.
- c. One railroad crossing to Phase 3 (north crossing) shall occur prior to final residential certificate of occupancy of Phase 3.
- 4) Elimination of public water mains within the parking lanes (i.e. place in lanes of travel).
- 5) Elimination of public water infrastructure within any privately-owned alleys, et al.
- 6) Elimination of dead-ends in any part of the public water system (i.e. all potable water pipelines shall be looped and connected to a grid).
- 7) Installation of 12-inch or 8-inch water mains in all proposed public or private streets along City approved alignments.
- 8) Installation of a sufficient number of hydrants on all public water facilities at City approved locations.
- 9) Installation of a sufficient number of water main valves at City approved locations.
- 10) Installation of a sufficient number of water quality monitoring/sampling stations at City approved locations/.
- 11) Installation of appropriately sized potable water services (fire, commercial, residential, irrigations, etc.).
- 12) Installation of an approved backflow device for each water service connection.
- 13) Incorporation, modification, or relocation of any affected water pipelines, facilities and their appurtenances within the Project.
- 14) Installation of all required corrosion protection measures on all public water facilities, which at a minimum, shall consist of cathodic protection (CP) test stations, anodes, bond wiring, plastic sleeves, insulating flange gaskets, grounding components, et al. with electrical conductivity that is confirmed, tested and accepted by the City of Napa.

D. For development on the west side of the railroad tracks: A letter of intent, or similar documentation from the current railway owner outlining the commitment to establish a public water utility easement for multiple water utility crossing(s) per Phase which at a minimum, shall include but not be limited to the following:

- 1) Width of proposed easement (20-feet minimum)
- 2) Size and type of proposed pipes with casings
- 3) Technical requirements for pipeline crossings in conformance with railway owner specifications.

39. Prior to activation of water mains, per Phase, Applicant shall:

A. Construct all public and private water improvements as shown on the approved civil plans, the City of Napa Public Works Department Standard Specifications listed above.

NOTE: All pipeline construction involving the use of directional drilling installation methods shall be constructed by City pre-qualified directional drilling contractors.

- B. Ensure all cathodic protection measures are installed, tested, approved and accepted by a City approved corrosion specialist to ensure electrical conductivity and to confirm all anodes meet the minimum electric potential requirements. All cathodic protection systems(s) that fail inspection shall be removed and replaced at the Applicant's expense.

NOTE: Cathodic protection testing shall only occur after successful completion of water main pressure tests. Prior to acceptance, the City of Napa shall review the corrosion specialist's inspection report to determine whether the system has passed. Prior to final paving, the Contractor must receive City confirmation that all cathodic protection systems have passed inspection.

- C. Demonstrate substantial progress toward submittal of a record drawing outlining as-built conditions of the completed water system improvements (City requires electronic and bond copy formats).
- D. Negotiate and acquire all applicable rights (as approved by the City) to establish an appropriately sized water utility easement (s) across the Southern Pacific Railroad (SPRR) which at a minimum shall account for construction and continuous water system operation and maintenance.

40. Prior to approval of the building permit(s) Applicant shall:

- A. Provide the Water Division with written documentation identifying building connections and points of service. The documentation shall include APN of the parcel, street addresses associated with the parcel and the new water service account numbers specific to the addresses and/or parcels being served.
- B. Submit all required connection fees to the City's Public Works Development Engineering Division at:

1600 First Street
Napa, CA 94559

41. Prior to final building permit(s) sign-off Applicant shall:

- A. Submit any remaining meter set and/or hot-tap fees to the Water Division Office.
- B. Identify all water meter boxes with the appropriate street address.
- C. 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.
- D. Record all "Private Water Easements" necessary to extend private services behind the public water meter to the properties of which they serve, as approved by the City.
- E. 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.

MATERIALS DIVERSION AND RECYCLING

42. Submit a comprehensive solid waste handling program consistent with adopted solid waste and recycling enclosure standards as more fully described at www.cityofnapa.org/recycle. The program shall identify the various types of services desired and pick up locations.

FIRE PREVENTION:

43. On all phasing sheets clearly illustrate which streets will be public and which streets will be private.
44. On all phasing sheets clearly illustrate the width of all roads (backbone and interior roadways). Unless a design exception has been previously approved, all fire access roads shall be a minimum of 20' in width with a minimum of 13'6" clear height. Where hydrants are located along fire access roads the minimum width shall be 26' in width.
45. On all phasing sheets clearly illustrate the number of single-family homes, apartments, condominiums, rowhouses, carriage houses, hotel rooms, warehouses etc. and the related square footages. Please relate this information to each block number.
46. On all phasing sheets clearly illustrate how emergency responders will gain access to the network of public open spaces provided throughout the Project.

General:

47. Lighting. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on any adjoining properties, impact aircraft overflight, or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the buildings are permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code and the approved Amended Development Plan and Amended Design Guidelines.
48. Signage. Prior to installation of any signage, detailed plans for monument (ground mounted), directional and building mounted signage shall be submitted to the

Planning Division for administrative review and approval. All signage shall be consistent with the approved Amended Design Guidelines and Amended Development Plan. All lighting for wall or ground mounted signs shall be shielded or placed such that it does not shine directly on any adjoining properties, impact aircraft overflight, or impact vehicles on adjacent streets .

49. Landscaping.

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details where applicable, shall be submitted with the Building Permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this approval. The plan shall be in compliance with and prepared pursuant to the City's Water Efficient Landscape Ordinance (WELo). The required landscape plan shall indicate plant location, species, size at planting, quantity of each, method of planting, underground automatic sprinkler system, and similar landscape design information. The irrigation system shall utilize reclaimed water when it is made available in the vicinity.
- b. Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. On-site landscaping shall be completed prior to final occupancy, or as otherwise provided in the Phasing Plan, and shall be permanently maintained in accordance with the landscaping plan.

50. Parking/ Access/ Traffic. All parking, driveways, and internal roadways shall be provided in accordance with the Amended Development Plan. Two feet of required parking stall depth may overhang into non-required landscape planters and sidewalks. Standard sized parking stalls are required to have a minimum width of 9 ft. and minimum depth of 19 ft., and the depth of compact stalls may be 16 ft. A maximum of 35% of the parking stalls may be compact.

51. Outdoor Storage/ Screening/ Utilities. No outdoor storage is permitted as part of these approvals. Any proposal for outdoor storage is subject to separate administrative review and approval by the Planning Division.

52. Mechanical Equipment.

- a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building, and when screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple

areas. The Community Development Director may approve exceptions for solar equipment. All screening is subject to review and approval by the Director. Any skylights will be subject to review and approval by the Director prior to the issuance of building permits.

- b. The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.
- c. Ground-mounted equipment shall be screened by walls or landscaping to the satisfaction of the Planning Division.

53. Trash Enclosures.

- a. The Applicant shall provide one or more trash enclosures (decorative masonry or equivalent) where required by the Amended Development Plan or Amended Design Guidelines, the design of which shall be compatible with the architecture of the Project. The enclosure shall be reasonably accessible to employees. A minimum 8' x 10' thickened paving section shall be provided in front of each enclosure. The Community Development Director shall approve the design and location of each enclosure. All trash bins shall be stored within approved trash enclosures. The enclosure shall also include a separate pedestrian walk-in access.
- b. The Applicant shall provide adequate, accessible, and convenient areas for the collection and loading of recyclable materials. Collection and loading areas shall be located adjacent to trash enclosures when practical and shall contain adequate area to accommodate the recyclable waste generated by the development. All recyclable materials areas shall be accessible by collection vehicles. The Community Development Director shall approve the design and location of each collection and loading area.

54. Colors. The colors used for the roof, exterior walls and built landscaping features of buildings shall be subject to administrative review by the Community Development Director. Highly reflective surfaces are prohibited.

55. Noise. Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with the City's Noise Control Regulations.

56. Archaeological Findings. Applicant shall comply with the applicable measures as set forth in the Mitigation Monitoring and Reporting Program, attached to the Development Agreement as Exhibit E.

57. Aircraft Overflight Easement. Prior to issuance of building permits, the Applicant shall submit verification that an aircraft overflight easement has been recorded on the Site that provides for the right of aircraft operation, overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.
58. Any crane used in the construction of the phases shall be lighted and have flags for improved visibility from aircraft; no construction crane shall exceed 80 feet in height without first obtaining the FAA's express approval.
59. Addressing. All Project Site addresses shall be determined by the Community Development Director and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.
60. Monitoring Costs. All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and Project revisions shall be borne by the Applicant and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged.
61. Monitoring costs shall be as established in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. Violations of conditions of approval or mitigation measures caused by the Applicant's contractors, employees, and/or guests are the responsibility of the Applicant.
62. Compliance Monitoring. The Community Development Director may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the City at some time in the future, the City may institute the program at the Applicant's expense (including requiring a deposit of funds in an amount determined by the City) as needed until compliance assurance is achieved. The City may also use the data, if so warranted, to commence revocation hearings in accordance with NMC Section 17.72.070.
63. Temporary and Final Occupancy. All Project improvements, including compliance with applicable codes, conditions, and requirements of all

departments and agencies with jurisdiction over the Project, shall be completed prior to granting of a Certificate of Final Occupancy by the Chief Building Official, which, upon granting, authorizes all use and permit activities to commence. The Chief Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the Project prior to completion of all Project improvements. In special circumstances, departments and/or agencies with jurisdiction over the Project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

64. SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS Please contact the Public Works Department with any questions regarding the following:

- a. GRADING AND SPOILS. All grading and spoils generated by construction of the Project facilities shall be managed per Engineering Services direction. All spoils piles shall be removed prior to final occupancy unless approved by the Community Development Director.
- b. TRAFFIC. Reoccurring and scheduled vehicle trips to and from the Site for employees and deliveries shall not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with Exhibit J of the Development Agreement.
- c. DUST CONTROL. Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur during windy periods.
- d. STORM WATER CONTROL.
 - i. The Applicant shall comply with all construction and post-construction storm water pollution prevention protocols as required by the Engineering Services Division, and the State Water Resources Control Board (SWRCB).
 - ii. For any construction activity that results in disturbance of greater than one acre of total land area, Applicant shall file a Notice of Intent with the SWRCB prior to any grading or construction activity.
 - iii. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to

remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.

- iv. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse.
- v. If any discharge of concentrated surface waters is proposed in any "Waters of the State," the Applicant shall consult with and secure any necessary permits from the SWRCB. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

e. Parking.

- vi. The location of employee and public parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).
- vii. Parking shall be limited to approved parking spaces. In no case shall parking impede emergency vehicle access or public roads.

City General Conditions:

65. Unless otherwise specifically provided in this Resolution or the Development Agreement, 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.
66. Except as otherwise provided in the Development Agreement, 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).
67. Except as otherwise provided in the Development Agreement, the Amended Development Plan, the Amended Design Guidelines, and the Amended Tentative Map, 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.

68. 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.
69. To the fullest 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 persons 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 (collectively, "Claims"), regardless whether the Claims are alleged to have been caused by actions or omissions of the City or Applicant, so long as City promptly notifies Applicant of such Claims, etc., and the City cooperates in the defense of same. In the event of any differences between this indemnity provision and that in the Development Agreement, the Development Agreement shall control.
70. 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.
71. Applicant must comply with all conditions of approval set forth in this Resolution. Violation of any term, condition, mitigation measure or Project requirement described in or relating to this Resolution is unlawful, prohibited and a violation of the NMC and is grounds for revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
72. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this Project approval would not have been granted without

requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

Section 7. This Resolution shall become effective 30 days after adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 21st day of January, 2020, by the following vote:

AYES: Luros, Alessio, Gentry, Sedgley

NOES: None

ABSENT: Techel

ABSTAIN: None

ATTEST:


Tiffany Carranza
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney

EXHIBIT "A"

As an alternative equivalent to paying the City's Affordable Housing Impact Fee required pursuant to NMC Chapter 15.94 for the residential and non-residential development in the Project, the Applicant proposes to further affordable housing opportunities in the City to an equal or greater extent than payment of the affordable housing impact fees by doing all of the following:

- 1) Making a payment to the City in the amount of Napa County's nonresidential housing impact fees, estimated at \$1,008,000 at project completion, based on the following uses:

Allowed Use Type	Size (in square feet)	Fee per SF	Total Fee
Costco/retail	154,000	\$ 2.00	\$ 308,000
Ground floor retail	40,000	\$ 2.00	\$ 80,000
Office	100,000	\$ 2.00	\$ 200,000
Warehouse/R&D	75,000	\$ 0.80	\$ 60,000
Hotel	120,000	\$ 3.00	\$ 360,000
		(County)	
Total			\$1,008,000

Pursuant to the Development Agreement, the revenue from these fees will be used by the City to provide assistance to the Qualified Housing Developer to construct the low and very-low income units described in Section 2 below. If any funds are remaining after providing assistance to the Qualified Housing Developer, the City would use the funds to assist construction of the moderate income units described in Section 4 below;

- 2) Dedicating two affordable housing sites to the City, Sites 23 and 1, sufficient to accommodate a minimum of 140 low and very low income residential apartments, which Sites the City will convey to a Qualified Housing Developer, who will construct and operate the apartments;
- 3) Contributing \$1,000,000 to the City of Napa, which the City will use to provide assistance to moderate income homebuyers to purchase the moderate income homes within the Napa Pipe project described in Section 4 below;
- 4) Requiring residential developers to construct a minimum of 44 deed restricted moderate income homes within market-rate housing projects, which will be reserved for occupancy by moderate income households for 55 years if rental units or 45 years if for-sale units; and
- 5) Constructing infrastructure to serve both dedicated affordable housing sites (Sites 23 and 1).

"EXHIBIT B"



COLLECTION • TREATMENT • RECOVERY • REUSE

August 29, 2019

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

SUBJECT: 18-0168 NAPA PIPE PROJECT AMENDMENTS, REFRL-000930, Keith Rogal, (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. Utility plans showing conformance with NapaSan Standards were not submitted as part of the current application. The comments included in this letter are based on the information currently available and are subject to change upon receipt of additional information. The current application does not show proposed sanitary sewer or recycled water easements and it is not clear which pipelines are proposed to be public versus private. Private sewer mains shall have a minimum slope of 1% and public mains shall meet NapaSan's easement and access requirements. Contact NapaSan for additional information.
2. The owner/developer shall comply with the sewer and recycled water mitigations/conditions identified in the EIR for the project.
3. NapaSan reserves the right to establish additional conditions at the time of application for individual project components.
4. Studies to determine the impacts of the development on NapaSan's collection system, treatment plant and recycled water system were previously prepared. As determined by NapaSan, the owner shall mitigate impacts to NapaSan's collection system, treatment plant and recycled water system as identified in the studies. Additionally, the owner will be required to offset their sanitary sewer flow above the anticipated volume in NapaSan's 2007 Collection System Master Plan per Board

Resolution 11-025. Contact NapaSan for more information.
R2020-013

"EXHIBIT B"

5. The owner shall submit a sanitary sewer and recycled water master plan prepared by a registered civil engineer. The master plan will be reviewed and approved by NapaSan prior to submitting Improvement Plans. All sanitary sewer and recycled water improvements shall be consistent with the approved master plan. The master plan shall cover all project phases and shall indicate which improvements will be constructed during each phase.
6. A plan showing the required sanitary sewer and recycled water improvements (public and private) shall be prepared by a registered civil engineer conforming to NapaSan standards, and shall be submitted to NapaSan for approval.
7. The owner shall obtain a demolition permit from NapaSan prior to removal of the existing buildings. Demolition credits shall be valid for a period of two years from the date the demolition permit is issued.
8. The sanitary sewer system shall be designed as a public system to the extent determined by the master plan. Size, length, slope, points of connection, laterals and other miscellaneous items shall be identified in the sanitary sewer master plan.
9. The proposed sanitary sewer main shall be installed a minimum of 10 feet from trees, 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.
10. There is an existing 60 foot wide NapaSan easement running through the project area. The existing pipe within the easement shall be protected during construction. No fill, trees or other permanent structures will be allowed within this easement area. An all weather access drive shall be provided to the existing manholes. Gates in easement areas shall meet NapaSan's standards.
11. The private street area shall be dedicated to NapaSan as a sanitary sewer easement. Any portion of the public sanitary sewer system outside of streets shall have a minimum 20 foot wide easement granted to NapaSan where required. No trees, private utilities, or other permanent structures will be allowed within sanitary sewer and recycled water easement areas. An all weather access drive shall be provided to manholes. Gates in easement areas shall meet NapaSan's standards.
12. Discharge lines from the elevator sump pits shall not be connected to the sanitary sewer system.
13. During maintenance of NapaSan's facilities, business and emergency access through the development may be impacted. The owner/developer shall coordinate with the Fire Department regarding permanent fire access routes.
14. A grease interceptor will be required for any restaurant or food service types of use.
15. Should there be a drain in the below-grade parking area, it shall be connected to a sand and oil separator and shall meet the NapaSan standards. Contact NapaSan for more information.
16. No plumbing from the outdoor pool/spa areas or water features shall be connected to the sanitary sewer system.
17. Sanitary sewer and recycled water facilities are required to have a minimum of 36" of cover within public streets, private streets, and drive isles. The proposed facilities shall be designed to meet this requirement.

"EXHIBIT B"

18. Commercial and residential uses shall be served by separate sanitary sewer laterals extending from the building to the sewer main.
19. No floor drains are allowed in the buildings except in the restroom and food service areas.
20. Should there be a drain in the trash enclosure, it shall be connected to a grease interceptor and the trash enclosure shall meet the NapaSan standards. Contact NapaSan for more information.
21. Each parcel shall be served by a separate sanitary sewer lateral.
22. Sanitary sewer laterals shall not be installed in driveways, shall be a minimum of 5 feet edge-to-edge from other utilities and 10 feet from trees.
23. The property currently has an active ground water discharge permit with NapaSan. The owner shall comply with all conditions of the permit separately from this application.
24. If the owner desires to discharge process wastewater to NapaSan in the future, the owner would be required to pay capacity charges to NapaSan based on the rates in effect at the time and would be subject to the rules and regulations in effect at that time. At a minimum the facility would be subject to the following:
 - a. Installation of a flow meter and sampler on the process waste line
 - b. Ensure that the discharge conforms with the District's Local Limits
 - c. Provide NapaSan with a wastewater treatment plan
 - d. Obtain an Industrial Waste Discharge Permit from NapaSan for the operation. Permit conditions would be established by NapaSan at the time an application is made by the owner.
25. The subject development shall use recycled water for irrigation of common area landscape, parks, and agriculture uses.
26. The recycled water system shall be designed as a private system to the extent determined by the master plan. Pipe size, length, points of connection, meters, service connections and other miscellaneous items shall be identified in the master plan. The owner shall enter into an agreement with NapaSan that outlines the maintenance responsibilities of the owner in regards to the private recycled water system. In addition, the owner shall execute a recycled water user agreement which identifies a responsible person for operation and maintenance of the private recycled water system.
27. All privately managed areas using recycled water shall be part of a property/home owners association. Irrigation shall be performed through the association. Appropriate language shall be included in the CC&R's regarding maintenance of the private recycled water system and private sanitary sewer mains. A draft set of CC&R's shall be submitted to NapaSan for review.
28. The owner/developer shall enter into an improvement agreement with the NapaSan, and post the appropriate bonds covering the sanitary sewer and recycled water work prior to the recordation of the Final Map.
29. All specialty hardscape/landscape features proposed within NapaSan easements shall be subject to approval by NapaSan. If approved, the owner shall enter into an indemnification agreement with NapaSan that places the expense for removal and/or replacement of the features on the owner.

"EXHIBIT B"

30. 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 Fees
- c. Plan Check Fees
- d. Inspection Fees
- e. Capacity Charges (per single family dwelling)
- f. Capacity Charges (based on use and square footage for commercial space. Outdoor dining and event space is included in the square footage)
- g. Capacity Charges (per unit for transient occupancy)
- h. Capacity Charges for process waste (The capacity charges for the process waste stream shall be calculated per Section 5.02.030.B of District Code. Contact NapaSan for additional information).

31. 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 \$9,803 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.

Sincerely,



Matt Lemmon, P.E.
Senior Civil Engineer