

## **Napa Redevelopment Partners Responses to Proposed Conditions of Approval**

### **County of Napa Engineering & Conservation Division Conditions (Oct. 8, 2014)**

Napa Redevelopment Partners has no comments on Conditions 1-5, and requests clarifications of Conditions 6 and 7 to read as follows:

Comment:

6. Please clarify that this condition applies as to each final map: "Prior to recordation of each Final Map the applicant shall submit to and receive approval from FEMA for a Conditional Letter of Map Revision (CLOMR) for the removal of the project from a FEMA designated special flood hazard area. The applicant shall prepare and submit the hydrology and hydraulic floodplain analysis following FEMA's MT-2 process."

County Staff Response:

The CLOMR needs to happen prior to the first Final Map being approved. FEMA will look at this project as a whole, not as phases. The CLOMR will establish that the proposed project will have an impact or will not have an impact on the floodway and then the developer can pursue a LOMR for each phase of the project, which will be a condition of that portion of the project (typically a 'prior to occupancy' condition). Changes have been made to the condition (below) to clarify that the intent is to have a CLOMR submitted for the whole project prior to the approval of a Final Map. The developer needs to file a CLOMR for the 150+ acre site that will be filled to remove it from a special flood hazard area. Staff believes the condition, as modified below, conveys this:

6. Prior to recordation of a Final Map the applicant shall submit to and receive approval from FEMA a Conditional Letter of Map Revision (CLOMR) for the removal of the entire development project as a whole from a FEMA designated special flood hazard area. The applicant shall prepare and submit the hydrology and hydraulic floodplain analysis following FEMA's MT-2 process."

Comment:

7. Acceptable, the reference to "mitigation alternatives" is confusing. Napa Redevelopment Partners requests the following clarifying revision: "Prior to recordation of each Final Map the applicant shall submit a geotechnical report prepared by a registered professional with expertise in geology and/or geotechnical engineering that evaluates the long term effects of consolidation and subsidence resulting from the placement of fill over the entire project. ~~The report shall provide mitigation alternatives if the effects are significant in the opinion of the registered professional.~~ The applicant shall comply with the criteria and recommendations in the geotechnical report."

County Staff response: The developer needs to address the long term effects of consolidation due to the placing of 900,000 cubic yards of fill on the site as early as possible in the development of the property. So this condition will be for the whole project prior to the first final map approved

(not prior to each final map). The language replacing mitigation alternatives is acceptable as noted below:

7. Prior to recordation of the first Final Map the applicant shall submit a geotechnical report prepared by a registered professional with expertise in geology and/or geotechnical engineering that evaluates the long term effects of consolidation and subsidence resulting from the placement of fill over the entire project. The applicant shall comply with the criteria and recommendations in the geotechnical report."

**County of Napa Environmental Health Division Conditions (Oct. 8, 2014)**

No comments.

**Napa Sanitation District Conditions (Sept. 20, 2013)**

Napa Redevelopment Partners has no comments on Conditions 1, 4-9, 11, 13, and 15-20. Napa Redevelopment Partners has the following comments/proposed revisions for Conditions 2, 3, 10, 12, and 14:

2. The District reserves the right to establish additional conditions at the time of application for individual project components.

*NRP Comment: Napa Redevelopment Partners requests that the scope of this broad reservation of rights to impose additional conditions be clarified and narrowed or deleted.*

NSD Staff response: The scope has been clarified and narrowed as follows:

2. The District reserves the right to establish additional conditions regarding sanitary sewer and recycled water at the time of application for individual project components consistent with the District's Code and standard specification.

3. ~~Studies to determine the impacts of the development on the District's collection system, treatment plant and recycled water system will be completed by District selected consultants. The owner shall enter into an agreement with the District to reimburse the District for all costs associated with the studies.~~ The owner shall mitigate impacts to the District's collection system, treatment plant and recycled water system as identified in the previously completed studies of such impacts. The owner will be required to offset their sanitary sewer flow above the anticipated volume in the District's 2007 Collection System Master Plan per Board Resolution 11-025. Contact the District for more information.

*NRP Comment: Studies to determine the Project's impacts on the District's collection system, treatment plant and recycled water system were completed and paid for pursuant to a reimbursement agreement with the District. The remainder of the proposed condition of approval is acceptable. The condition should be modified as per the above redline.*

NSD Staff response: The studies were completed as of 3/27/14 and the requirement can be removed for this condition.

10. The owner shall enter into an improvement agreement with the District consistent with the limitations on amount and rights to release of security provided in the Development Agreement, and post the appropriate bonds covering the sanitary sewer and recycled water work prior to recordation of the Final Map.

*Comment: The condition should be revised as provided above to clarify that any separate improvement agreement with the District be consistent with subdivision improvement agreements under the Development Agreement, which would cover the same facilities.*

NSD Staff response: The owner/developer will be required to execute an improvement agreement separately with NSD. A sample agreement is attached. The proposed change is not acceptable.

12. The private street area shall also be dedicated to the Napa Sanitation District as a non-exclusive sanitary sewer easement. Any portion of the public sanitary sewer system outside of streets shall have a minimum 20 foot wide easement granted to the District where required. No trees or other permanent structures will be allowed within this easement area. An all weather access drive shall be provided to manholes. Gates in easement areas shall meet the District's standards.

*Comment: The condition should be revised as provided above because other public and private utilities would be present in the roadway.*

NSD Staff response: No Comment

14. Each ~~parcel~~ block or lot, as appropriate, shall be served by a separate sanitary sewer lateral.

*Comment: Generally acceptable. However, the condition should be revised as provided above because the reference to "each parcel" is confusing and not applicable in all cases. For example, a condominium project would have multiple parcels, but may have only one lateral to the block.*

NSD Staff response: NSD Code requires each parcel to be severed by a separate sanitary sewer lateral. For the example given NSD allows for condominium developments to be served by a private main and execute a private main agreement which outlines the operational and maintenance responsibilities for the private main. CCR's for the development shall be written to cover the responsibilities. Each parcel is then served with a separate sewer lateral off the private main. The proposed change is not acceptable.

**Napa Police Department "Napa Pipe Purpose Statement & Considerations" (March 4, 2014)**

*General response: The Napa Police Department memorandum is dated March 4, 2014, and the Development Plan subsequently was revised to address most of the concerns raised by the Police Department. Napa Redevelopment Partners does not have any comments on or objections to Police Department comments 2, 4c, 4e, 4f, 5e, 5f, 6c, 6e, 6f, 7, and 9-12 in the Police Department's memorandum and, therefore, those comments are not included below.*

The Napa Police Department has the following considerations regarding the Napa Pipe Development:

1. Visibility of alleys from minor streets

a. Alleyways need to have adequate lighting so that the alley through is visible from minor streets and does not create dark shadow areas. Lighting should be white light, full cut-off design, damage resistant. Lighting should be adequate enough for emergency services to have clear view of the alleyway but not so bright that as to light trespass.

b. Greenery in alleyways needs to allow for clear view from minor streets. Ground plants should be no higher than 2 feet and tree canopy minimally 6 feet in height to allow for clear natural surveillance for passersby's and emergency personnel.

*NRP Response: Limiting the height of ground plants to 2' is overly restrictive and this portion of the consideration should be deleted. However, the lighting comments and the 6' minimum tree canopy restriction are acceptable. Shared driveways will be private and are addressed in the Design Guidelines, not the Development Plan. The Design Guidelines will be revised to include the following text:*

*"Plantings within the Shared Driveways shall not inhibit clear sightlines nor create hiding spaces that would encourage unsafe activity."*

3. Policing of private property parks outside the Napa Municipal Code becomes a challenge. Recommend that the developer confer with legal council [sic] and City Attorney regarding the possibility of adopting the Napa Municipal Code in private parks for this project. In addition, proper, long term, continued maintenance of the private parks is critical in reducing the likelihood of crime.

*NRP Response: Consideration noted.*

4. Park P1

a. Consider developing P1 in conjunction with lot E. without Lot E in place the park has nothing nearby to promote natural surveillance from everyday use.

*NRP Response: Consideration noted. P1 was originally proposed to be developed in conjunction with Block E (the hotel). However, the Phasing Plan was revised in accordance with comments from City of Napa Planning Department.*

b. P1 park pathways need to be wide enough to allow for police vehicle travel and be able to sustain the weight of the vehicle during normal operation.

*NRP Response: Please refer to Development Plan Figure VI.3.c (Knoll, adjacent wetlands section). P1 provides a perimeter path of 12' wide, which is wide enough to allow for police vehicle circulation.*

d. Activity generators need to be implemented in park P1 to increase its use. Activity generators such as children activities equipment and/or a fitness trail with exercise stations are just a couple examples. If the park has activity generators, citizens are more likely to use the park and will report suspicious and/or unlawful/criminal activity.

*NRP Response: Delete this consideration, as it should not be included in the Tentative Map/Development Plan conditions of approval. No additional structures or equipment will be added to P1 as these are not deemed necessary to activate the park at this location. Although passive, the activity generators for P1 are encouraged by the park's strategic proximity to the wetlands and hotel, its integration of the bike/pedestrian trails, its high visibility and its recreational opportunities.*

5. Parks P4 and P5 has entrapment and emergency access issues. The proposal to build P4 and P5 with fencing to the east and west creates an entrapment area for users of the park. The only option for emergency exit for a user would be to south and north end. In addition, the proposal to build a drive path for emergency services to the west of the P4 and P5, outside the fence line, with interval access gates, is not ideal. In concept, this does provide access for police and fire to the park, however, this delays access to the park in the event of an emergency. Having to unlock a gate to enter the area could delay emergency services for the public and delay in potential apprehension of violators.

The police department feels that this creates a safety concern for the public and needs to be addressed. The police department offers the following considerations to alleviate the entrapment and access issue with P4 and P5:

*NRP Response: Please refer to Development Plan Figure VI.3h (Schematic Design of Principal Open Spaces). In the middle of parks P4 and P5 is an additional pedestrian path that would serve as another emergency exit for park users. Comments are noted, but this consideration should not be included as a condition to the Tentative Map/Development Plan.*

a. Do not install fencing to the east of [Parks P4 and P5]. This will allow for an alternative escape path for a user. Move emergency access drive path to the east, inside the fence line, or

*NRP Response: The temporary 8' fence on the east side of the parks is necessary to screen construction activity. The low fence west of the N-S EVA access route can be removed.*

b. Eliminate the walking path through the park and convert the park to green space only for ascetics purposes, or

*NRP Response: Eliminating the walk through P4 and P5 is not in the public's interest as it will decrease their value as public parks. The bike/pedestrian trail that runs through P4/P5 is an integral part of the bike/pedestrian circulation network.*

c. Phase the construction of the P4 and P5 in conjunction with commercial development to the east with no eastern fencing, or

*NRP Response: The Phasing Plan provides for development of P4 and P5 in conjunction with adjacent development and, therefore, employees, residents, and guests would provide activity. Park P5 will have eastern fencing until at least such time as the industrially zoned area to its east is entitled for development. The fence will be high, with no view through it, and designed to prevent climbing. Police access will be provided within the fence. The police trail/emergency vehicle access will run inside the park along its length.*

d. Move the railway tracks to the east. Place P4 and P5 to the west of the railway tracks, closer to the residential development. Install fencing to the east to prevent safety issues with the railway track and pedestrians.

*NRP Response: Delete this consideration, as it should not be included in the Tentative Map/Development Plan conditions of approval. Moving railway tracks is infeasible due to the costs involved and the need to negotiate with SPRR and relocate easements. This also would be inconsistent with the Development Plan.*

## 6. Park P9.

a. Consider developing P9 in conjunction with Lot B & A. This will promote natural surveillance form everyday use of the surrounding area.

*NRP Response: P9 will be developed in conjunction with adjacent activity, i.e., the Costco site.*

b. P9 park pathways need to be wide enough to allow for police vehicle travel and be able to sustain the weight of the vehicle during normal operation.

*NRP Response: The P9 paths are 8' wide, but one shoulder would be clear of trees and other obstructions in order to accommodate police vehicles.*

d. Activity generators need to implemented in park P9 to increase its use. Activity generators such as children activities equipment and/or a fitness trail with exercise stations are just a couple examples. If the park has activity generators, citizens are more likely to use the park and will report suspicious and/or unlawful/criminal activity.

*NRP Response: This consideration is noted but should be removed as a condition. Significant equipment and structures will not be added as it is not compatible with the design intent of P9. Fitness amenities along proposed paths will be considered.*

8. Connect northern Costco drive to residential area near Lot 10. As proposed, in the event of an emergency at Costco, access to Costco and surrounding business is circuitous.

*NRP Response: This consideration is noted but should be removed as a condition. This would be inconsistent with the Development Plan, and would require an additional railroad crossing. Therefore, it is not acceptable.*

13. Police coverage of new development and current staffing levels.

*NRP Response: It is not clear what this comment means. Therefore, it should not be included in the conditions of approval.*

14. Ability to police the Napa River given the proposed improvements and access to the waterway and riverfront. The Napa Police Department currently has no means to patrol the Napa River. Napa Sheriff's Department and the Napa Fire Department have boats for use when requested but only for incident resolution, not every day use.

*NRP Response: Comment noted. However, the consideration does not request any particular action or requirement, and should not be included as a condition of approval.*

County Staff response: County staff does not have the discretion to modify the above referenced without consultation from the City Police Department.

**City of Napa Water Division (May 28, 2014)**

*General Response: These conditions would be applicable if the City commits to provide water service to the Project. Therefore, while these conditions may be appropriate to include in a water service agreement, their application as Tentative Map/Development Plan conditions of approval should be conditioned upon City commitment to provide water service. Any application of City of Napa Public Works Department standard specifications should be limited to specifications for the water system.*

*Subject to the foregoing, the City's Water Division memo conditions are all acceptable, except Napa Redevelopment Partners has the following concern with Condition 7:*

7. 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.

*NRP Response: The Project applicant cannot agree to this condition without knowing what water demand mitigation requirements will be imposed.*

County Staff response: The City of Napa comment letter dated October 9, 2014, included proposed conditions from the Public Works department addressing water, solid waste handling and stormwater quality. The previous City of Napa memorandum dated May 24, 2014 is superseded by these comments which are included in Exhibit B-1.