

RESOLUTION R2016-151

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN REVIEW PERMIT AND A SIGN PERMIT FOR A 24-UNIT MULTI-FAMILY DEVELOPMENT ON 0.89 ACRES AT 1057 FREEWAY DRIVE

WHEREAS, James Keller submitted an application (File No. PL16-0030) for a Design Review Permit for a multi-family development and a Sign Permit for a monument sign (the "Project") at 1057 Freeway Drive (APN 004-081-012) on February 23, 2016;

WHEREAS, the Planning Commission held a noticed public hearing on October 20, 2016 and has recommended approval of the subject application; and

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

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

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

Section 2. The City Council hereby determines that the Project is exempt from the requirements of CEQA pursuant to Sections 15301, 15311, and 15332 of the CEQA Guidelines (Categorical Exemptions; Classes 1, 11, and 32) which exempt existing facilities, on-premise signs, and in-fill development projects, respectively.

Section 3. The City Council hereby approves the Design Review Permit as defined on the plans submitted as a part of the subject application and makes the following findings in support of the approval:

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

The property is located with the MRF-132, Multi-Family General Plan Designation, which allows for multi-family residential development at a density of 20 to 30 units per acre. The 0.89 acre project site would allow for the development of between 17 and 26 units; the proposed 24 units results in a density of 26.9 units per acre. The proposed multi-family residential use and the residential density are consistent with this General Plan Designation.

The Housing Element has identified this property (Site No. 165) as an under-utilized multi-family residential property.

The proposed use is also consistent with this Designation and supported by the following General Plan goals and policies. An analysis of the compatibility of the proposed use with these goals and policies follows each identified General Plan Policy

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The multi-family use provides a transition from commercial and education uses north and east of the project site to the single-family residences to the south. The building is sited away from the existing neighborhood and has many of the same architectural features found in the neighborhood such as triangular roof forms, stucco siding, and board and batten siding. As such the proposed multi-family use is compatible with existing residences in the area consistent with this General Plan Policy.

Housing Element Policy H1.1 encourages the efficient use of land. Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density. The proposed 24-unit development has been designed to achieve a density that is within this range on an under-utilized parcel of land, consistent with these General Plan Policies.

There are no applicable specific plan design guidelines.

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

The proposed site layout and architecture are consistent with the goals, policies, and recommendations outlined within the Residential Design Guidelines which encourage multi-family developments to be designed to be respectful of the scale and rhythm of Napa's traditional neighborhoods. A mix of coherent forms, details, and materials are proposed to create a contemporary development of homes that complement the neighborhood. Parking is located on the periphery of the site, and the buildings are oriented to frame a central courtyard for residents. Landscaping includes a mixture of plantings and hardscape that defines public, semi-private, and private spaces and creates opportunities for social interaction. The hierarchy of fenestration treatment, detailing, and exterior wall materials provide visual interest and reduce the overall perceived bulk and height. The proposed elevations include three-dimensional elements that break up the wall surfaces.

- C. The Design Review Permit is in accord with provisions of this Title and will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or welfare.

Multi-family developments may be established with Design Review Permit approval. With Design Review permit approval, the proposed project will be in compliance with the provisions of the Zoning Ordinance. The project has been appropriately conditioned to ensure compliance with General Plan policies and property development standards, and will not result in adverse impact to adjacent properties or to the general health, safety, and welfare of the community.

Section 4. The City Council hereby approves the Sign Permit for a freestanding sign as defined on the plans submitted as a part of the subject application and makes the following findings in support of the approval:

- A. The proposed sign meets the requirements of this title or any special conditions imposed on the development by the Planning Director, the Planning Commission, or the City Council.

Subsection 15.56.090.A of the Sign Ordinance establishes criteria for residential complexes. The sign is setback 10 feet from the front property line, is four feet in height, and has a sign area of seven square feet. The sign complies with the applicable sign standards.

- B. The proposed sign's color and illumination are not in conflict with the safe flow of traffic on the city streets.

The sign is located 10-feet south of the front property line and outside of the 20-foot visibility area. The sign will be illuminated with downward-oriented lights built into the sign. As such the sign will not present a conflict to the free flow of traffic.

- C. The proposed sign is compatible with the architecture of the building it identifies and is not incompatible with the aesthetic character of the surrounding development and neighborhood.

The sign is four feet in height and is comprised of bronze letters, mounted on slate tile, between two plaster columns. The sign's design complements the architecture of the project as it incorporates similar materials (stucco and metal) and design (rectangular-frame with tapered base) found in the complex.

Section 5. The City Council approval of the Design Review Permit and Sign Permit is subject to the following conditions:

City Council

1. The plans submitted for Building Permit for the fencing and gate adjacent to Bremen Court shall be modified as follows:

- a. No pedestrian gate to Bremen Court in this is authorized as a part of this approval and the gate shall be deleted from the plans.
- b. The design of iron fence and gate to Bremen Court shall be modified to provide a treatment that is solid and opaque.

Community Development Department – Planning Division

2. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements of the Design Review Permit and Sign Permit.

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

4. The plans submitted for Building Permit shall include the following:

- a. Details and construction notes for STC 28 windows on the windows located within 132 square feet of the centerline of Freeway Drive and with a direct or side view of the roadway, compliant with the Noise Assessment Study prepared by Edward L. Pack Associates (May 2016).

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

6. The plans submitted for Building Permit shall include final landscape plans for the proposed development that shall be reviewed and approved by the Planning Manager prior to issuance of a Building Permit. All landscaping and fencing shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.

7. All exterior lighting on the site shall be properly shielded and directed downward to preclude glare conditions that might impact adjacent properties or public streets.

8. Each unit shall have a minimum of one parking space available for their use within a carport.

9. The parking and storage of recreational vehicles is prohibited.

10. Developer shall pay the required Affordable Housing Impact fee in accordance with Napa Municipal Code Section 15.94.030. Such fee shall be payable at the rate in

effect at the time of payment for the Project involved. In accordance with Municipal Code Section 15.94.030, the Developer may request approval to provide an alternative equivalent to payment of the fee. The findings set forth in Resolution R2016-69 are incorporated herein. The City further finds that calculation of the fee pursuant to the formula set forth therein demonstrates that there is a reasonable relationship between the fees imposed and the cost of improvements attributable to this Project.

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

12. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The Ordinance further states that there will be: no start-up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor equipment past 6:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.

13. No banner signs or other temporary signs shall be installed without prior approval of a Special Event Sign Permit.

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

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

Community Development Department – Building Division

16. The Applicant shall obtain a Building Permit from the Building Division prior to commencement of any demolition or construction.

17. Plans submitted on or after January 1, 2017 will be subject to newly adopted standards of the California Building Code.

Fire Department

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

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

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

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

22. Plans and calculations for all fire protection systems and features shall be submitted and approved prior to the issuance of a building permit.

23. Fire Department connections shall be located not more than 100 ft from the nearest fire hydrant connected to an approved water supply.

24. Underground utility contractor, architect and fire sprinkler contractor shall coordinate location of risers and control valves prior to the issuance of a building permit.

25. Plans for the building fire alarm system or water sprinkler monitoring system (as required) shall be submitted and approved prior to the issuance of a building permit.

26. Using the ladder truck as the design vehicle, demonstrate clear turning movements into the project from Freeway Drive.

27. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet (curb to curb) and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 71,000 lbs.

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

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

Public Works Department

30. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the preliminary plans prepared by RSA+ received August 8, 2016 as modified herein by these Conditions of Approval. All improvements shall be designed in accordance with the City's Standard Specifications and Standard Plans, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards". Plans relative to the construction of improvements within the public right of way or for publically maintained facilities, "Public Improvements", shall be processed directly through the Public Works Department. Plans for private and/or on-site improvements "Private Improvements" shall be incorporated into the Building Permit plan sets and processed through the Building Division of the Community Development Department.

31. The Applicant shall construct all of the "Public Improvements" as generally shown on the preliminary site plan and more specifically described below:

- a. Install frontage improvements including sidewalk, any necessary drainage facilities street lighting, signage and striping along the Freeway Drive frontage. Unless otherwise noted, the existing curb alignment shall be maintained.
- b. Replace any existing curb and gutter that is damages or displaced.
- c. In lieu of the proposed driveway-style entrance on Freeway Drive, install curb returns with appropriate curb ramps.
- d. Install a right-turn overlap phase for the northbound right-turn movement at the First Street and Freeway Drive intersection.
- e. Install certain public water infrastructure improvements sufficient to meet City water quality, operational and fire flow requirements which are more specifically described as follows:
 - i. Install water quality monitoring/sampling station(s) at City-approved locations.
 - ii. Abandon any unused water service(s).
 - iii. Install appropriately-sized water services with backflow devices (commercial, fire, imigation, etc.). Plans must indicate tie-in locations, surrounding utilities, etc.
 - iv. Install a sufficient number of fire hydrants within the public right-of-way at City-approved locations.
 - v. Relocate any affected water facilities and/or appurtenances (e.g. fire hydrants, meter boxes, sample stations, et al.).

32. The Applicant shall construct "Private Improvements" as generally shown on the preliminary site and more specifically described below:

- a. Designate applicable on-site fire hydrants as private.
- b. Per City of Napa Public Works Department Standard Specification S-25, relocate the proposed monument sign outside the sight visibility triangle adjacent to the project's Freeway Drive driveway.
- c. Screen the above mentioned backflow devices to address the visual impacts.
- d. Install drainage facilities to collect and convey all on-site surface drainage to an approved outfall. The general drainage scheme shown on the site plan is acceptable, in concept. The calculations received May 27, 2016 are incomplete. If biofiltration areas are to be considered as part of the detention system, full routing using dynamic time-based hydrographs will be necessary for final design.
- e. Install drive aisle and parking area pavement structural sections in accordance with site-specific geotechnical engineer recommendations or City minimum standards, whichever is greater.
- f. Revise the driveway alignment such that it is perpendicular to the centerline of Freeway Drive.

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

- a. Submit the City's "Initial Submittal Checklist" and "Improvement Plan Checklist".
- b. Pay the initial cash deposit of \$3500 for City plan check services.
- c. Provide the following:
 - i. Public Street Repair Plan
 - ii. Utility Plan
 - (a) Size of existing water service(s) to property and adjacent parcel(s).
 - (b) Existing water main(s) and applicable tie-in locations, details, etc.
 - (c) Size and location of all proposed water services (residential, fire, irrigation, etc.) Domestic water shall be supplied by a master meter placed in the public right-of-way with private service laterals thereafter.

- (d) Submit all required connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559 OR Water Division at 1340 Clay Street, Napa, 94559;

iii. Post Construction Water Quality Measures

- (a) The Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality. See: http://www.cityofnapa.org/images/publicworks/Stormwater/BAMSAA_PostCon_Manual.pdf under "Documents"
- (b) The post-construction BMP's shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).
- (c) 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.
- (d) The project post-construction BMP's shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control Standards, BASMAA Post-Construction Manual and accepted design review Stormwater Control Plan prepared by RSA+ dated May 17, 2016.
- (e) The property owner shall enter into a long term maintenance agreement with the City of Napa approved both as to form and substance by the City Attorney and City Engineer for long term maintenance, financing and monitoring for the post construction storm water best management practices that are incorporated as part of the project and as called out in the Approved Stormwater Control Plan.
- (f) 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.
- (g) 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.

- (h) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
- (i) 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.
- (j) 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.
- (k) 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).

iv. Geotechnical Report

v. Construction Traffic Control Plan.

vi. Erosion & Sediment Control Plan

- (a) Applicant shall provide Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Development Engineering Division for review and approval with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.
- (b) Construction Water Quality Measures –the property owner shall insure that the Developer and the contractor incorporate storm water quality Best Management Practices (BMP's) into the project construction process.

- (c) Project < 1 acre of disturbance: Provide an Erosion and Sediment Control Plan (ESCP). See ESCP template at: http://www.cityofnapa.org/images/publicworks/BUD/escp_reviewprocjun2014.pdf.
 - (d) The construction BMP's shall be shown on the project Erosion and Sediment Control Plan.
 - (e) 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.
 - (f) 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.
 - (g) The project property owner shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.
- d. Contact the City of Napa Fire Department to confirm fire suppression requirements, fire service sizes and fire hydrant locations.
 - e. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work and provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.
 - f. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
 - g. Provide acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.
 - h. Furnish proof of the acquisition of all rights of entry and/or temporary and permanent easements necessary to construct the project and the location of all such rights on the Plans.

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

- a. Pay of all current account balances.
- b. Pay an inspection fee in an amount to be determined at the time of construction for the City's inspection of the Public Improvements.
- c. Pay all water connection fees at the Water Division office, 1340 Clay Street, Napa.
- d. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
 - i. (6) full-size bond copies of the approved Improvement Plans for the City's use.
 - ii. (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.
 - iii. (1) job-site copy of the approved SWCP for their use.

35. Prior to issuance of a Building Permit, the Applicant shall:

- a. Construct all of Public Improvements to the satisfaction of the City Engineer. Alternatively, the Applicant may enter into an Improvement Agreement with the City to construct all of the Public Improvements prior to Occupancy of the first unit. Such an Agreement will require the Applicant to provide bonds, proof of workers compensation insurance, and general liability insurance in the forms and amounts as proof satisfactory in form to the City.
- b. Generally, convey all easements and dedications, public and private, for the construction, use and/or maintenance of roads or other access, drainage facilities, utilities and post-construction storm water management facilities by separate instruments.
 - i. Convey to the City by Irrevocable Offer of Dedication, an additional right of way easement along the Freeway Drive frontage to provide 10 feet from the face of curb. This shall include additional widening to encumber the returns at the driveway.
 - ii. Convey to the City by Irrevocable Offer of Dedication, a 6-foot public utility easement adjacent to the Freeway Drive right-of-way along the project frontage.

- c. This project is subject the requirements of Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc.
 - (a) The design of the proposed trash enclosure shall comply with the Solid Waste and Recycling Enclosure Standards as approved by City Council on October 21, 2008 (Resolution R2008 185). Plans submitted for building permit review shall show compliance with these standards. A minimum 16ft by 9ft. trash enclosure is required.
 - (b) The location of the trash enclosure is acceptable. The waste/recycling contractor shall enter the project from Freeway Drive and exit onto Bremen Court. A key pad shall be provided on the side of the enclosure for use by the City's trash/recycling contractor for vehicle exiting onto Bremen Court.
- d. This project is subject to City Ordinance O2010 18 which requires projects that exceed \$100,000 in building valuation or 5,000 sq.ft. of new, improved, or remodeled areas to file a Waste Reduction and Recycling Plan (WRRP) with the building permit application (which will be forwarded by Building Division staff to the C&DD Compliance Official/Materials Diversions staff). No building permit shall be issued for any project until the Compliance Official has approved the WRRP. The plan shall document that recyclable materials shall be site separated for recycling in order to meet the requirement of the City's construction and demolition debris ordinance—recycling mandatory recyclables and exceeding overall 50% diversion. Official weight receipts for each load shall be obtained.
- e. Pay all current impact fees, and outstanding account balances. The fee amounts listed below are for informational purposes only as they are updated periodically. The owner shall pay all of the fees based on the rate in effect at the time of payment. These fees include, but may not be limited to the following:
 - i. Pay Street Improvement Fees (SIF) and Utility Undergrounding (U/G) fees in accordance with City Policy Resolution 16 based on the following proposed land uses:
 - (a) Pay General Street Improvement Fees per Policy Resolution 16.

Land Use	Dwelling Units (DU)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
Apartment	24	\$1,669/DU	\$1,529/DU	\$40,056	\$36,696
Exist. Residence (Credit)	1	\$2,465/DU	\$2,258/DU	(\$2,465)	(\$2,258)
Net Fee				\$37,591	\$34,438

36. Prior to Temporary Occupancy, the Applicant shall:

- a. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- b. Restore all adjacent off-site road surfaces to pre-project conditions.
- c. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.
- d. Submit a certification by the Engineer of Record that all work has been completed in substantial conformance with the approved Improvement Plans and Stormwater Control Plan.
- e. The Developer shall complete the Final Stormwater Inspection Sign Off form as specified in the Stormwater Control Plan. A copy of the form may be requested from the Public Works Development Engineering Division – Stormwater Program.
- f. 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.
- g. Identify all on-site post-construction stormwater quality bmp's and along the project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.
- h. Construct all public and private water improvements as shown on the approved civil plans, the City of Napa Public Works Department Standard Specifications and the special conditions contained herein.
- i. Submit certification that all backflow devices have been installed and tested by an AWWA certified tester (a list of testers is provided by the City of Napa) to the City of Napa Water Division.

- j. Complete the water demand mitigation requirements of this project as specified by the City of Napa Water Division. The Applicant will be contacted by the City of Napa after obtaining a building permit specifying the requirements for the proposed project.
- k. Provide record drawings outlining as-built conditions of the public and private site improvements (City requires digital files and bond copy formats). Digital files shall be compatible with the City's current version of AutoCAD and tied to the City's coordinate system.
- l. Submit any remaining plans check, inspection, meter set and/or hot-tap fees to the Public Works Department.
- m. 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.

Napa Sanitation District

37. A plan showing the required sanitary sewer improvements shall be prepared by a registered civil engineer conforming to NSD standards, and shall be submitted to the District for approval.

38. The plans provided in the Inter-Departmental Review Referral did not address NSD's comments to previous submissions. The sewer plans as currently proposed do not conform to NSD's standards and are not approved. Revisions to the sewer plans are required such that the sewer laterals meet NSD standards.

39. There is an existing sanitary sewer main within an easement located along the western property line of the subject parcel.

40. From the Letter of Intent attached to the application, it is understood that the applicant is proposing to abandon the existing public sanitary sewer main and easement, and construct two (2) private sanitary sewer laterals to serve APNs 004-081-012 and 004-081-013.

41. Each parcel shall be served by a separate private sanitary sewer lateral designed and constructed to District standards.

42. The applicant shall prepare and submit plats and legal descriptions for the District's quitclaim of easement(s) on both parcels.

43. The submitted configuration for the private sanitary sewer laterals do not meet District private lateral standards (configuration, minimum slopes, and service size for APN 004-081-013) and are not approved. An alternative method to serve the parcels shall be submitted and approved by the Napa Sanitation District. Contact the Napa Sanitation District for additional information.

44. The owner shall obtain a demolition permit from the District prior to removal of the existing building and demolition of existing main. Demolition credits shall be valid for a period of two years from the date the demolition permit is issued.

45. Sanitary sewer facilities are required to have a minimum of 24" of cover at all points within the public right of way. The proposed sanitary sewer facilities shall be designed to meet this requirement.

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

- a. Easement Fees
- b. Demolition Permit
- c. Plan Check Fees
- d. Inspection Fees
- e. Capacity Charges

47. All work within the public right of way shall be performed by a Class A licensed contractor bonded with the Napa Sanitation District for the work.

48. The District has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at the District's website (www.NapaSan.com). The District 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.

City General Conditions

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

50. Unless otherwise specifically provided, each condition of this approval shall be satisfied prior to issuance of a Building Permit, or if a Building Permit is not required, prior to the commencement of use; however, in the event the subject approval is for a tentative

subdivision map or parcel map, each condition shall be satisfied prior to final map approval. Applicant's (and land owner, if different) execution of the City's improvement agreement with required security may be accepted in lieu of condition completion.

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

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

53. Applicant shall design and construct all improvements and facilities shown on any approved Tentative Map, site plan, or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City Ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved Tentative Map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.

54. The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

55. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.

56. If the Applicant is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.

57. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to

Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.

58. Violation of any term, condition, mitigation measure or project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.

59. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

Section 6. This Resolution shall take effect immediately upon its adoption.

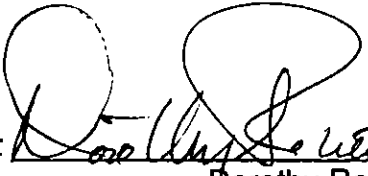
I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 15th day of November, 2016, by the following vote:

AYES: Inman, Luros, Mott, Sedgley, Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: 
Dorothy Roberts
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney