

RESOLUTION R2023-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A TENTATIVE SUBDIVISION MAP AND DESIGN REVIEW PERMIT TO SUBDIVIDE AN APPROXIMATELY 10.45-ACRE PROPERTY INTO 53 SINGLE-FAMILY RESIDENTIAL LOTS WITH FIVE (5) OPEN SPACE PARCELS, A DESIGN REVIEW PERMIT FOR THE HOUSE PLANS AND “BACK-ON” FENCE TREATMENT, AND A USE PERMIT TO AUTHORIZE THE CREATION OF FIVE (5) FLAG LOTS AT 1185 SIERRA AVENUE AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on May 12, 2021, Davidon Homes (the “Applicant”), submitted an application (File No. PL21-0063) for a Design Review Permit pursuant to Napa Municipal Code (“NMC”) Chapter 17.62 (“Design Review Permit”) for the design of a Tentative Map, the design of the house plans, and “back-on” fence treatment, a Tentative Subdivision Map pursuant to NMC Chapter 16.20 (“Tentative Subdivision Map”) to subdivide an approximately 10.45-acre property into 53 single-family residential lots with five (5) open space parcels, and a Use Permit for application of flag lot standards to create five flag lots pursuant to NMC Chapter 17.60 (“Use Permit”) at 1185 Sierra Avenue (APNs: 038-250-035 and -037) (“Site”) (collectively, the “Project”); and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 5, 2023 on the Design Review Permit, Tentative Subdivision Map, and Use Permit, and has recommended approval of the subject application; and

WHEREAS, the City Council has considered all information related to the Design Review Permit, Tentative Subdivision Map, and Use Permit applications, 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 establishes the factual basis for the City Council’s adoption of this Resolution.

Section 2. The City Council hereby determines that, as documented in the September 21, 2023 Memorandum and Checklist prepared by LSA for the Project, on behalf of the City and attached to the Staff Report as Attachment 8, the Project falls within the scope of the Napa 2040 General Plan (General Plan) Final Environmental Impact

ATTACHMENT 1

Report (General Plan FEIR) certified by the City Council on September 20, 2022 (SCH #2021010255) and no further environmental review is required under CEQA pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15168(c) because the Project would not have any environmental effects that were not identified and addressed in the General Plan FEIR; and none of the conditions described in CEQA Guidelines Section 15162 for preparation of a subsequent environmental impact report would occur as a result of the Project.

Section 3. The City Council hereby approves the Design Review Permit for the design of the Tentative Subdivision Map, the Project house plans, and the “back-on” fence treatment, as defined on the application plans prepared by dk Engineering, KTGy, and Nuvis Landscape Architecture dated August 14, 2023, July 13, 2023, and April 11, 2023, respectively (collectively, “Application Plans”), and submitted as a part of the subject application and makes the following findings in support of the approval:

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

The proposed subdivision, improvements, and single-family residential use are consistent with the Low Density Residential General Plan designation which allows for single family development with a density range of 3 to 8 units per acre, resulting in 32 units minimum to 83 units maximum for the Site. The Project proposes 53 units which is at the mid-range of the permitted density range.

The proposed subdivision, improvements, and single-family residential use are consistent with the Low Density Residential General Plan designation which allows for single family development with a density range of 3 to 8 units per acre, resulting in 32 units minimum to 83 units maximum for the Site. The Project proposes 53 units which is at the mid-range of the permitted density range.

The Project is located within the boundaries of the Big Ranch Specific Plan (“BRSP”) area. While the BRSP anticipated no significant changes in land use for the Project site and it was designated PQ (Public, Quasi-Public), the plan did state that if any of the sites were to become surplus, the best alternative use would be for residential use. The Project could also be found consistent with BRSP Policy LU-15, which describes the following:

In the event Sierra Avenue is extended beyond its present dead-end, the City shall provide a safety crossing on Sierra Avenue. At a minimum, a pedestrian crosswalk shall be painted on the pavement and caution signs shall be installed to require motorists to stop for pedestrians. The City shall design and build the pedestrian crossing at the time Sierra Avenue is extended as part of the infrastructure improvements covered by the BRSP and Financing Plan.

ATTACHMENT 1

The Project plans feature a crosswalk extending from the subdivision across Sierra Avenue to Garfield Park, which could be found consistent with BRSP and the Garfield Park Master Plan.

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

The proposed subdivision design, site layout and architecture are consistent with the objective design standards in the Residential Design Guidelines. A mix of coherent forms, details and materials are proposed to create residential units which complement the existing neighborhood.

- C. *The Design Review Permit is in accord with the applicable provisions of Title 17 of the NMC and will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.*

The Design Review permit is consistent with NMC Title 17 (Zoning Ordinance) as conditioned. The proposed Project has been found to be consistent with all applicable development standards of the RI 4 (Single-Family Infill) zoning of the Site. All lots comply with the minimum lot size, coverage and setbacks of the zoning district. As such, with implementation of the conditions of approval set forth herein, the proposed Project 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 4. The City Council hereby approves the Tentative Subdivision Map prepared by dk Engineering, dated August 14, 2023, and submitted as a part of the subject application and makes the following findings in support of the approval:

- A. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable specific plan.*

The proposed subdivision, improvements and single-family use of the Site is consistent with the Low Density Residential General Plan designation, which allows for single family development with a density range of 3 to 8 units per acre, resulting in 32 units minimum to 83 units maximum for the Site. The Project proposes 53 units which is at the mid-range of the permitted density range. The Project could be found consistent with Napa 2040 General Plan Policy LUCD 6-2, which promotes a diversity of compatible land uses throughout the City to enable people to live close to job locations, have adequate and convenient commercial services, and enjoy public amenities and services such as transit, parks, trails, and schools.

ATTACHMENT 1

The Project could also be found consistent with Goal LUCD 10, to enhance the City's character and image as a desirable residential, active, and sustainable community, and celebrate the diversity of residents, and Policy LUCD 10-1, to preserve the character of existing residential neighborhoods while promoting "complete neighborhoods" with safe and convenient access to the goods and services needed for daily life.

The single-family lots range in size from 4,823 to 8,246 square feet and are compatible in size with those in the adjacent neighborhood. The proposed single-family houses would be one and two-story, similar to the properties in the surrounding neighborhoods. They would reflect a contemporary interpretation of traditional building styles that have similarities to the architecture of the existing neighborhood and are compatible with existing residences in the area consistent with this policy. The proposed single-family use, lot sizes, and density are consistent with the pattern of single-family development in the area.

The Project is located within the boundaries of the Big Ranch Specific Plan ("BRSP") area. While the BRSP anticipated no significant changes in land use for the Project site and it was designated PQ (Public, Quasi-Public), the plan did state that if any of the sites were to become surplus, the best alternative use would be for residential use. The Project could also be found consistent with BRSP Policy LU-15, which describes the following:

In the event Sierra Avenue is extended beyond its present dead-end, the City shall provide a safety crossing on Sierra Avenue. At a minimum, a pedestrian crosswalk shall be painted on the pavement and caution signs shall be installed to require motorists to stop for pedestrians. The City shall design and build the pedestrian crossing at the time Sierra Avenue is extended as part of the infrastructure improvements covered by the BRSP and Financing Plan.

The Project plans feature a crosswalk extending from the subdivision across Sierra Avenue to Garfield Park, which could be found consistent with BRSP and the Garfield Park Master Plan.

- B. *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.*

Passive heating and cooling opportunities have been provided to the maximum extent practical as the buildings incorporate operable doors and windows on the east and west elevations and the buildings, the lot sizes and configuration allow for passive heating and cooling opportunities by providing very generous setbacks to allow tree planting and are designed in an east-west alignment to allow for southern exposure.

ATTACHMENT 1

Section 5. The City Council hereby approves the Use Permit for the application of flag lot standards 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 use in accord with the General Plan, applicable specific plans, the objectives of the zoning ordinance and the purposes of the district and overlay district in which the site is located.*

The proposed flag lots in conjunction with the subdivision, improvements, and single-family residential use, are consistent with the Low Density Residential General Plan designation, which allows for single family development with a density range of 3 to 8 units per acre, resulting in 32 units minimum to 83 units maximum for the Site. The Project proposes 53 units which is at the mid-range of the permitted density range.

The Project is located within the boundaries of the Big Ranch Specific Plan (“BRSP”) area. There are no BRSP policies applicable to flag lots. While the BRSP anticipated no significant changes in land use projected for the Project site and it was designated PQ (Public, Quasi-Public), the plan did state that if any of the sites were to become surplus, the best alternative use would be for residential use.

- B. *The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city.*

The proposed flag lots will not cause any health, safety, and/or general welfare hardship to the community. The Project has been appropriately designed and conditioned to ensure compliance with General Plan policies and property development standards and will not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

- C. *The proposed use complies with each of the applicable provisions of the zoning ordinance.*

Flag lots may be established with Use Permit approval. With City Council approval of the Use Permit as conditioned, the proposed use will be in compliance with the provisions of NMC Sections 17.08.030 and 17.52.190.

- D. *The proposed use complies with any other applicable findings required under other chapters of this title for the specific use.*

There are no other applicable findings required under other chapters of this title for the proposed use.

ATTACHMENT 1

Section 6. The City Council hereby approves the removal of two (2) Coast Live Oak trees and four (4) Valley Oak trees that are each classified as a Protected Native Tree pursuant to NMC Chapter 12.45 and makes the following finding in NMC Section 12.45.090(B)(2)(d) in support thereof:

- A. *The project has minimized tree loss to the extent possible when balanced with General Plan land uses and policies and applicable design guidelines. The project has been conditioned to either provide replacement trees or pay the in lieu fee per NMC Chapter 12.45.*

Section 7. The City Council's approval of the Design Review Permit, Tentative Subdivision Map and Use Permit is subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. This Tentative Subdivision Map authorizes the Site to be subdivided into 53 single-family residential lots with five (5) open space parcels; this Design Review Permit approves the house plans and “back-on” fence treatment; and the Use Permit authorizes the creation of five (5) flag lots. This approval also authorizes the extension of Sierra Avenue, relocation of the Austin Miller Memorial Bike Path, development of public streets, front yard and street landscaping on the Site, and the removal of two (2) Coast Live Oak trees and four (4) Valley Oak trees that are each classified as a Protected Native Tree under NMC Chapter 12.45 as defined on the application plans prepared by dk Engineering for the Tentative Subdivision Map, KTG Y for the house plans, and Nuvis Landscape Architecture for the landscape plans, dated August 14, 2023, July 13, 2023, and April 11, 2023, respectively, and representations submitted with the application and as reviewed and approved by the City Council, and as amended by these conditions of approval.
2. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements and conditions of the Design Review Permit, Tentative Subdivision Map, and Use Permit.
3. Any work that necessitates plans to be submitted for building permits or improvement plans shall conform substantially to the Application Plans, and these conditions of approval.
4. Any modifications to the approved home elevations shall require approval of a subsequent Design Review Permit by the Planning Commission and City Council.
5. All Project conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of Building Permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

ATTACHMENT 1

6. The plans submitted for Building Permits for the single-family residences shall include side and rear building elevations that provide the same level of architectural detail found on the front elevation. The exterior treatment of each building elevation shall be consistent in form and materials and provide an overall coherent design for the entire building.
7. Prior to the issuance of a building permit for the construction of House Plan 4 on the Site, the Applicant shall submit to the Planning Manager for review and written approval a revised site/plot plan for House Plan 4 that provides a fifth (5) parking space option located outside of the required 20-foot front setback.
 - a. The fifth parking space shall be required for each of the House Plan 4 homes that includes the fifth bedroom option in-lieu of loft space and that does not include an attached ADU.
 - b. Access to the parking space shall be unobstructed, paved with concrete or a comparable material to the driveway, and shall provide drainage in accordance with city standards.
8. All mechanical and utility equipment, including transformers and backflow devices, shall 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. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.
9. Prior to issuance of a demolition or grading permit for the existing structures on the Site, the Applicant shall submit a rodent and pest control plan for review and written approval by the Planning Manager 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.
10. All exterior lighting on the Site shall be properly shielded and directed downward to preclude glare conditions that might impact nearby residential uses.
11. The Applicant shall obtain a Building Permit from the Building Division prior to construction of any improvements requiring a Building Permit under NMC Chapter 15.04.
12. Prior to issuance of a Building Permit, the Applicant shall pay all applicable fees for the Project at the rates in effect at the time of payment, including but not limited to the Affordable Housing Impact Fee.
13. If any archeological materials or objects are unearthed during Project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Applicant shall comply with all mitigation

ATTACHMENT 1

recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.

14. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.
15. The plans submitted for improvement plan review by the Applicant shall include a final landscape plan. The final landscape plan shall identify construction phasing, installation, and completion, including the planting of trees, shrubs, ground cover, and any hardscape or fencing features. The phasing plan shall identify a specific development milestone for completion of the landscape facilities relative to the following improvements: 1) completion of public right-of-way and street adjacent landscaping, 2) stormwater facilities and common areas, and 3) residential lots. The proposed phasing identified in the landscape plan shall be subject to the review and written approval of the Planning Manager, Public Works Director, and Parks and Recreation Services Director.
 - a. The Applicant may request modifications to the approved phasing plan in writing, with justifiable reasons. The City shall consider such requests and may grant modifications upon review and written approval of the Planning Manager, Public Works Director, and Parks and Recreation Services Director.
16. The plans submitted for the building permit shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that: (1) all plant materials be certified by the Napa County Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner, and (2) the Agricultural Commissioner's Office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Manager approves the landscape and irrigation plan. Prior to occupancy for the corresponding unit, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Manager that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications and inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Manager upon a showing of good cause.
17. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy for the corresponding unit or the timeline identified in the approved landscape plans.
18. A Final Fencing Plan for the Project shall be reviewed and approved by the Planning Manager prior to recordation of the Final Map or issuance of a building permit, whichever comes first. This plan shall include fencing between the Site and

ATTACHMENT 1

adjacent neighbor properties as well as “back-on” and “side-on” fence treatment adjacent to the street frontages as depicted in the landscape plans designed by Nuvis Landscape Architecture dated April 11, 2023, and consistent with NMC Section 17.52.170.

- a. The Applicant shall construct a new fence between the Site and the neighboring property in accordance with the approved Fencing Plan. Should the Applicant be unable to obtain permission from the adjacent property owner to reconstruct the fence at their property line, the Applicant may construct a new fence on the Project Site.
19. All proposed and required fencing shall be installed in compliance with the approved landscape and fencing plan prior to the issuance of a Certificate of Occupancy for the corresponding unit.
20. 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 4:00 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 past 5:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.
21. The Project includes the removal of six (6) trees that are each classified as a Protected Native Tree (NMC Section 12.45.020) being Coast Live Oaks (2) with trunks measuring 21/18 inches (two trunks) and 16 inches, and Valley Oaks (4) with trunks measuring 14 inches, 14 inches, 13 inches, and 23 inches. Per NMC Chapter 12.45, the Applicant shall plant 20 replacement trees on the Site or pay an in-lieu fee of \$6,000.00. The Applicant shall include the replacement trees on the final landscape plan or pay the \$6,000.00 in-lieu fee prior to the issuance of grading permits.
22. Prior to issuance of a grading permit, the Applicant shall submit a Tree Protection Plan per the arborist recommendations within the “HortScience | Bartlett Consulting” report, dated April 2021 to the Planning Manager for review and written approval.
23. If construction related work would commence anytime during the nesting/breeding season of raptors or other bird species listed in the Migratory Bird Treaty Act (typically February through September 15), a pre-construction survey of the Property for nesting birds shall be conducted. This survey shall be conducted by a qualified biologist (experienced with the nesting behavior of bird species of the region) within 7 days prior to the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey shall be to determine if active nests are present within or adjacent to the construction zone, that is within approximately 250 feet of the work areas. If ground disturbance

ATTACHMENT 1

activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than one week will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them shall be determined through consultation with the CDFW depending on the species, taking into account factors such as the following:

- a. Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity.
- b. Distance and amount of vegetation or other screening between the construction site and the nest.
- c. Sensitivity of individual nesting species and behaviors of the nesting birds.

The buffer zone around an active nest shall be established in the field with orange construction fencing or another appropriate barrier and construction personnel should be instructed on the sensitivity of nest areas. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas of special status bird species to ensure that no impacts on these nests occur.

24. For construction activities between October 16 and August 14: Prior to the commencement of construction activities, a qualified biologist shall conduct a focused survey to determine the presence/absence of any special status bat species. If bats are found then a plan for removal or exclusion between October 16 and August 14 will be developed by a qualified biologist and in consultation with CDFW.

For construction activities between August 15 and October 15: If trees are to be removed between August 15 and October 15, they will be trimmed and removed in a two-phased system conducted over two consecutive days under the supervision of a qualified biologist. The first day (afternoon), limbs, branches and trunks without cavities, crevices, and deep bark fissures are removed by chainsaw. Limbs and trunks with cavities, crevices, and bark fissures would be avoided. On the second day, the remainder of the tree may be removed.

25. The Applicant shall inform its contractor(s) of the sensitivity of the project site for archaeological deposits, and include the following directive on the project grading plans:

“The subsurface of the construction site is sensitive for archaeological deposits. If archaeological deposits are encountered during project subsurface construction, all ground disturbing activities within 25 feet shall be redirected and a qualified

ATTACHMENT 1

archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Archaeological deposits can include, but are not limited to, shellfish remains; bones, including human remains; flakes of, and tools made from, obsidian, chert, and basalt; mortars and pestles; historical trash deposits containing glass, ceramics, and metal artifacts; and structural remains, including foundations and wells.”

The City shall verify that the language has been included in the grading plans prior to issuance of a grading permit or other permitted project action that includes ground-disturbing activities on the project site.

If a concentration of artifacts over fifty years in age is encountered during earth disturbing activities, work shall cease in that area and a qualified archaeologist shall be notified and an evaluation performed. If the deposits are uncovered on the site and found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the Applicant shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigations, a report documenting methods and findings shall be prepared, and the final report shall be submitted to the Northwest Information Center at Sonoma State University. Significant archaeological materials shall be submitted to an appropriate curation facility and used for public interpretive displays, as appropriate and in coordination with a local Native American tribal representative.

26. Provide Worker Awareness Training, Stop Work in Case of Unanticipated Discovery of Paleontological Resources During Construction, and As Appropriate, Prepare a Paleontological Monitoring and Mitigation Plan (PMMP). For any proposed development in the City that would disturb previously undisturbed surficial or subsurface geologic units with high paleontological sensitivity, the following procedures must be undertaken. High sensitivity geologic units in the City are Sonoma Volcanics and Great Valley Sequence.

Prior to commencing ground disturbance of previously undisturbed native sediments in areas where geologic units at the surface or subsurface have high paleontological sensitivity, the Applicant shall engage a Qualified Paleontologist, as defined by the Society of Vertebrate Paleontology (SVP) 2010, to provide worker awareness training to ensure that all project construction workers are trained on recognition of paleontological resources. In addition, the Applicant shall inform the contractor and construction personnel of the immediate stop work procedures to be followed.

In case of discovery of a paleontological resource during construction, ground-disturbing activities shall temporarily be halted within 25 feet of the find until the discovery is examined by a Qualified Paleontologist. Work within the sensitive area

ATTACHMENT 1

shall resume only when deemed appropriate by the Qualified Paleontologist. The Qualified Paleontologist shall determine whether the discovery is scientifically significant, how to involve other responsible or resource agencies and stakeholders, and what methods to follow for resource recovery.

If the Qualified Paleontologist determines that the resource is not scientifically important, the conclusion shall be documented in a letter to the City of Napa to demonstrate compliance with applicable statutory requirements. If the Qualified Paleontologist determines that the paleontological resource is of scientific importance and there are no feasible measures to avoid disturbing this paleontological resource, the Qualified Paleontologist shall prepare a PMMP. The PMMP shall include measures to fully document and recover the resource of scientific importance. The Qualified Paleontologist shall submit the PMMP to the City for review and approval within 10 business days of the discovery.

Upon approval by the City, ground-disturbing activities in the project area shall resume and be monitored as determined by the Qualified Paleontologist for the duration of such activities. The PMMP shall include measures for a preconstruction survey, a training program for construction personnel, paleontological monitoring, fossil salvage, curation, and final reporting, as applicable.

27. The Applicant shall maintain and trim vegetation adjacent to the Sierra Avenue/Street A2 and Street A2/Street B intersections such that bushes and shrubs are kept under three feet in height, and that trees and hanging branches are trimmed to a minimum height of seven feet.
28. The Applicant shall implement mitigation measures recommended in Public Resources Code Section 21084.3 to avoid damaging effects on tribal cultural resources:
 - a. Avoidance and preservation of the resources in place, including planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, considering the tribal cultural values and meaning of the resource, including the following.
 - (i) Protecting the cultural character and integrity of the resource.
 - (ii) Protecting the traditional use of the resource.
 - (iii) Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource.

ATTACHMENT 1

29. The Applicant shall comply with all applicable mitigation measures described within the Napa 2040 General Plan Final Environmental Impact Report.

FIRE DEPARTMENT – FIRE PREVENTION DIVISION

30. The Applicant shall comply with all applicable provisions in NMC Chapter 15.04.

PUBLIC WORKS DEPARTMENT

31. This Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Napa Municipal Code (NMC), the City of Napa Standard Specifications and Standard Plans (dated January 2022) (CON Standards), including any supplemental updates thereto, the City's "Post-Construction Storm Water Pollution Prevention Design Standards" and the "BASMAA Post-Construction Manual prepared by the Bay Area Stormwater Management Agencies Associated Phase II Committee, dated July 14, 2019" (BASMAA Manual).
32. The Final Map (FM) and Improvement Plans (IP) 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.
33. The Applicant shall pay a \$5,000 initial cash deposit and shall maintain a minimum monthly balance of \$1,500 for city plan check services.
34. The Applicant shall design and construct all on and offsite improvements in accordance with the Improvement Plans and supporting calculations that are prepared by a registered civil engineer and reviewed and approved by the City of Napa (CON), Public Works Department (PWD) - Development Engineering Division (DED). The Improvement Plans shall be prepared in substantial conformance with the Tentative Subdivision Map plans prepared by DK Engineering revision dated November 07, 2022, as modified herein by these Conditions of Approval. The Improvement Plans and supporting calculations shall include detailed designs for all utilities, grading, drainage, erosion control, stormwater, and paving. The plans and calculations must be approved by the City Engineer prior to the issuance of the Building Permit.
35. The Applicant shall incorporate a group mailbox concept into the Project design. Proposed locations shall be reviewed and approved by the Post Office and the City of Napa PWD.
36. IMPROVEMENT PLANS (PUBLIC) – The following items shall be shown on the Improvement Plans prior to approval of the plans:

ATTACHMENT 1

- a. The Applicant shall design and construct frontage improvements along the Project's public street frontages consistent with CON Standards. All existing pedestrian ramps that do not meet current ADA and CON Standards shall be removed and replaced with pedestrian ramps conforming with ADA and CON Standards. In addition, any additional right-of-way necessary to accommodate these public improvements shall be dedicated to the City of Napa on the Final Map. The Applicant shall design and construct the following public improvements:
- (i) Street A (As shown on the Tentative Map):
 - (a) Frontage Improvements include removing and constructing Curb and 24" Gutter (CON Standards S-1), Sidewalk (CON Standards S-4), Streetlights (CON Standards E-1), 6' Landscape Strip, Signage and any other improvements consistent with CON Standards.
 - (b) Construct an ADA compliant curb ramp adjacent to lot 40 in line with Street B.
 - (c) Provide Stop Control (signage and markings) on the Street A approaches to Sierra Avenue.
 - (ii) Street B (As shown on the Tentative Map):
 - (a) Frontage Improvements include removing and constructing 6" Curb and Spill Gutter, 4' Sidewalk (CON Standards S-4), Streetlights (CON Standards E-1), 6' Landscape Strip, Signage and any other improvements consistent with CON Standards.
 - (b) Street B shall align centerline to centerline with the adjacent existing street Summerbrooke Circle.
 - (c) Provide Stop Control (signage and markings) on the Street B approach to Villa Lane.
 - (iii) Sierra Avenue:
 - (a) The Applicant shall design and construct a roadway extension of Sierra Avenue from its existing easterly terminus to connect with the existing northerly terminus of Villa Lane. The Sierra Avenue roadway extension shall be 60-feet in width with a 40-foot curb-to-curb pavement width. The roadway extension shall include a 10-foot sidewalk section (on the south side of the roadway) consistent with the standard residential sidewalk section per CON Standards S-4, a 6-foot eastbound bike lane, a 10-foot eastbound travel lane, a 10-foot westbound travel lane, a 6-foot westbound bicycle lane, an 8-foot parking lane (on the north side of the roadway), a 5.5-foot curb adjacent sidewalk (on the north side of the roadway), and an appropriately sized bio-retention to the north of the curb adjacent sidewalk. The bio-retention area may exceed the 60-foot roadway right-of-way into the City park right-of-way. The Sierra Avenue extension shall include appropriate conforms to the existing portions of

ATTACHMENT 1

Sierra Avenue and Villa Lane. Improvements along the extension shall include drainage facilities, street lighting, street trees, ADA curb ramps, signage and striping. Final alignment of street improvements and conforms to the existing portions of Sierra Avenue and Villa Lane shall be subject to review and approval by the Public Works Director.

- (b) The midblock crossing of Sierra Avenue shall align with the westerly crossing of the Streets A and Sierra Avenue intersection. This crossing shall include Bulbouts, High-Visibility Crosswalk striping, and a Rectangular Rapid Flashing Beacon (RRFB) system.
 - (c) All existing pedestrian ramps at the Sierra Avenue and Willis Drive intersection that do not meet current ADA and CON Standards shall be removed and replaced with ramps conforming to the current ADA and CON Standards.
 - (d) The Applicant shall construct a Class I path adjacent to the Sierra Avenue extension that shall include a minimum 8-foot width paved path with a minimum 2-foot width buffers on either side. This path shall be located on City park right-of-way north of the Sierra Avenue roadway extension.
 - (e) The Applicant shall provide one break in each bio retention area located between the Class I path and the sidewalk along the north side of the Sierra Avenue Extension to allow for pedestrian passage between the park/path and the parking along the north side of Sierra Avenue.
- (iv) Villa Lane (As shown on the Tentative Map):
- (a) The Applicant shall construct Bulbouts and High Visibility Crosswalk striping at the Sierra Avenue and Villa Lane intersection crossing.
 - (b) The Applicant shall construct a Bulbout (west side only), High Visibility Crosswalk striping, and a Rectangular Rapid Flashing Beacon (RRFB) system at the southern crossing of Villa Lane, Street B and Summerbrooke Circle intersection.
 - (c) All existing pedestrian ramps on Villa Lane between Summerbrooke Circle/Street B and Sierra Avenue that do not meet current ADA and CON Standards shall be removed and replaced with ramps conforming to the current ADA and CON Standards. The new sidewalk and frontage improvements shall transition to existing improvements along Sierra Avenue and Villa Lane.
- b. The Applicant shall design and construct the Project driveways consistent with CON Standards S-5 for a residential driveway approach.
 - c. To maintain adequate sight visibility at public street access points and street corners, the Applicant shall comply with CON Standards 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.

ATTACHMENT 1

- d. The Improvement Plans shall include a Joint Trench Plan, Erosion and Sediment Control Plan (ESCP) and a Stormwater Control Plan (SCP).
 - e. The Improvement Plans shall include a Utility Plan showing all the existing and proposed utilities, including overhead and underground utilities.
 - f. The IP 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, or destruction of any existing improvements within the public right-of-way, including but not limited to, the installation of curb, gutter, sidewalk, and utilities (water, sewer, storm drain, electrical, cable TV, telephone, etc.). IP shall comply with the following requirements:
 - (i) The Applicant shall determine the limits of street repair in accordance with CON Standards, Section 3.01.07 Pavement Restoration Limits and Table 3.3 Pavement Restoration Limits.
 - (ii) Any unanticipated street cuts or other street repair items that become evident following Improvement Plan approval shall be included by way of revisions to the Street Repair Plan.
 - g. For trenching within existing roadway areas, the Applicant's engineer shall pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utility systems throughout the proposed area of work and at all utility connection points. The Applicant shall provide all the pothole information and the design of all new utility installations required to serve the Project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties with the first Improvement Plan submittal.
 - h. The Applicant shall underground all new utilities (public and private) to serve the Project from the existing point of connection to the Project. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the Project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The Applicant shall relocate or underground any overhead utilities that conflict with the new improvements.
37. IMPROVEMENT PLANS (PRIVATE) - The Applicant shall design and construct all improvements that will not be dedicated to and/or maintained by the City of Napa (i.e. the "Private Improvements") as generally shown on the Tentative Map and more specifically described below:
- a. The Applicant shall comply with Table 3.1, "Street Design Criteria," of the CON Standards for minimal structural sections and the Project's Geotechnical Report's recommendations, whichever is larger.
 - b. Private Driveway serving lots 22 and 23.
 - c. Private Driveway serving lots 13, 14 and 15.

ATTACHMENT 1

- d. All service laterals (domestic, irrigation, and fire water).
 - e. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances in accordance with CON Standards.
38. Drainage & Grading - The following items related to drainage and grading shall be shown on the IP prior to approval of the plans:
- a. The Applicant shall submit storm drain system design report with calculations that are prepared by a registered Civil Engineer for review and approval by the DED. Storm drain system design flows shall be calculated based on the requirements listed in the CON Standards. 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 CON Standards. The storm drain system design calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3') per second when flowing half full.
 - b. All existing storm drains, drainage inlets, storm drain manholes, and other similar drainage improvements, shall be shown in the plans along with all the relevant information describing each improvement such as inverts, sizes, and slopes.
 - c. Lot grading and drainage system improvements shall be installed by the Applicant as part of the subdivision improvements. Constructed lot pad elevations shall not deviate more than 0.5 feet from the pad elevations shown on the Tentative Subdivision Map.
 - d. 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.
 - e. Detention improvements shall be incorporated into the Project storm drain system design in accordance with the chart titled, "Detention Requirements," within Section 2.10, "Detention," of the CON Standards.
 - f. The grading and drainage plan shall include a design that allows for a 100-year overland release with all finish floor and garage slab elevations a minimum of one foot above the 100-year overland release elevation.
 - g. Any retaining walls which are greater than one foot in height, which are adjacent to a property line, shall be masonry or concrete. Wood retaining walls shall not be installed adjacent to property lines.

ATTACHMENT 1

- h. Each parcel shall be graded to drain independently from adjoining parcels. If surface drainage is currently passing from adjoining properties onto the Site, the grading plan for the Project shall be designed to continue to accept such drainage and easements shall be established to allow such drainage patterns to continue. All surface drainage must be collected and conveyed to a public street, storm drain or approved outfall.
 - i. The roof drainage and downspouts from each home shall not be allowed to discharge onto the adjacent properties.
 - j. The Applicant shall comply with NMC Chapter 8.36 Stormwater Quality Ordinance.
39. Construction Water Quality Measures – In accordance with the NPDES Construction General Permit, the property owner shall ensure that the Applicant and the contractor incorporate storm water quality BMPs into the Project construction process.
- a. Project > 1 acre of disturbance: Provide 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 issuance of Grading Permits.
http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtm
 - b. The construction BMPs shall be shown on the Project ESCP Site Plan.
 - c. The Applicant shall ensure 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.
 - d. The Applicant shall ensure 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.
 - e. The Applicant 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.
40. Post Construction Water Quality Measures - In accordance with the BASMAA Post-Construction Manual, the Applicant shall incorporate post Development measures BMPs into the Project design to mitigate Project impacts to water quality. [http://ca-napa.civicplus.com/574/Stormwater-Quality Under “Documents”](http://ca-napa.civicplus.com/574/Stormwater-Quality%20Under%20Documents)

ATTACHMENT 1

- a. The post-construction BMPs shall be shown on the Project Improvement Plans and in the required SCP.
 - b. All designated Projects – The Applicant shall prepare and submit a SCP per BASMAA Post-Construction Manual Standards.
 - c. The Landscape plans shall be submitted to the DED 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 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 DED.
 - e. The Project post-construction BMPs shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control Standards, BASMAA Post-Construction Manual and accepted design review SCP prepared by DK Engineering dated November 07, 2022.
41. The Applicant shall install full trash capture device(s) in accordance with the State Water Boards Trash Provisions Water Code section 13383. Full trash capture systems shall be designed to:
- a. Trap all particles 5mm or greater.
 - b. Be sized to treat the 1-year, 1-hour storm event.
 - c. Device(s) shall be chosen from the State Water Board list of certified devices.
 - d. Device(s) shall be maintained at a frequency that ensures captured trash does not reduce device efficiency or create flooding, a minimum of once annually.
42. The Applicant shall enter into a long-term maintenance agreement with the City of Napa approved as to form by the City Attorney and as to substance by the City Engineer for long term maintenance, financing and monitoring for the post construction storm water BMPs that are incorporated as part of the Project and as called out in the Approved SCP in accordance with the following:
- a. The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the CON PWD and procedures for administration and oversight.

ATTACHMENT 1

- b. The agreement shall include maintenance for the following areas:
 - (i) Parcel A
 - (ii) Parcel B
 - (iii) Parcel C
 - (iv) Parcel D
 - (v) Parcel E
- c. 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.
- d. The agreement shall require that updated information, including contact information, be provided to the City whenever a property is sold and whenever designated individuals or contractors change.
- e. Appropriate easements or other arrangements satisfactory to the City Engineer as to substance and the City Attorney as to form 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.
- f. 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.
- g. The agreement shall require the owners of installed treatment systems or hydromodification controls to provide the Public Works Director with information and physical access necessary to assess compliance with NMC chapter 8.36, 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.

ATTACHMENT 1

43. MISCELLANEOUS - The following items shall be shown on the Improvement Plans prior to approval of the improvement plans:
 - a. The Applicant shall connect the Project to the Napa Sanitation District for sanitary sewer service. Sewer services shall be shown on the improvement plans and shall be installed in accordance with Napa Sanitation District Standards and reviewed and approved by the Napa Sanitation District.
 - b. As designed and shown on the plans, the Project impacts several adjacent properties. The Applicant shall incorporate details in the improvement plans for each property describing how their existing improvements (fences, retaining walls, concrete curb, concrete gutter, DIs, etc.) are going to be impacted and how those impacts are mitigated. Existing private improvements (retaining walls, concrete curbs, concrete gutter, etc.) shall be removed unless proof is submitted with the improvement plan submittals showing the improvements need to remain for structural reasons. If the Applicant is not successful obtaining rights of entry and/or easements from the neighboring property owner(s), the Applicant may construct the fences on the Applicant's property.
44. PRIOR TO APPROVAL OF IMPROVEMENT PLANS - The Applicant shall submit documentation to the PWD-DED demonstrating that the following have been addressed:
 - a. The Applicant shall pay off all current account balances based on the rate in effect at the time of the permit issuance.
 - b. The Applicant shall pay a deposit for inspection fees for public improvements.
 - c. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, or other local documents, necessary to construct the Project or to satisfy required Project mitigation measures and/or conditions.
 - d. The Applicant shall submit to the PWD-DED 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. The Geotechnical Engineer shall also assume responsibility for inspection of the work and prior to acceptance of the work shall certify to the City that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of Building Plans in accordance with NMC Title 15.

ATTACHMENT 1

- e. The Applicant shall provide written acknowledgement to the Public Works Directory by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
45. SUBDIVISION MAP (FINAL MAP) - The Applicant shall submit the Final Map for review and approval by the City Engineer. The form and approval of the Final Map shall meet the following requirements.
- a. The Final Map shall comply with the Subdivision Map Act, Government Code Sections 66410 et seq.
 - b. The Final Map shall show all public and private easements. Any required private easements shall be conveyed by separate instrument and shall be recorded prior to or concurrently with recordation of the Final Map. Any required public easements shall be offered to the City for dedication on the Final Map.
 - (i) Public easements include, but are not limited to:
 - (a) 24.' +/- wide Public Storm drain Easement, Access Easement, Water Utilities Easement, Sanitary Sewer Easement and Public Utilities Easement (Lots 22 and 23).
 - (b) 27.' +/- wide Public Storm drain Easement, Access Easement, Water Utilities Easement, Sanitary Sewer Easement and Public Utilities Easement (Lots 13, 14, 15 and Parcel E).
 - (c) Any other public easements determined to be necessary by the Public Works Director for the public improvements on the Site.
 - c. The Applicant shall abandon any existing utility easements not needed for construction of the Project.
 - d. The Applicant shall record CC&Rs and establish a homeowner's association to provide long term maintenance, financing and monitoring for all shared private street improvements, private storm drains and the post construction BMPs that are incorporated as part of the Project. In accordance with the following:
 - (i) The City Engineer and City Attorney must approve the substance and form of the CC&Rs and associated documents prior to the approval of the Final Map.
 - (ii) The CC&Rs shall be recorded contemporaneously with the Final Map.
 - (iii) The CC&Rs must provide a detailed outline of responsible parties, inspections, maintenance procedures, the perpetual maintenance and replacement of the improvements, monitoring documentation and annual reporting to the City of Napa PWD and procedures for administration and oversight.

ATTACHMENT 1

- (iv) In addition, the CC&Rs must provide for appropriate provisions relating to enforcement options, the right of the City to access the Site to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Napa shall be a third-party beneficiary to the CC&Rs with the right but not the obligation to enforce the obligations and secure attorney's fees for legal counsel to enforce such obligations.
 - e. The Applicant shall convey to the City by offer of dedication, a 10-foot public utility easement adjacent to all public street rights-of-way within the limits of the subdivision.
 - f. Prior to approval of the Final Map, the Applicant shall either install all required public improvements or 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. Typically, one million dollar (\$1,000,000) general liability insurance is required.
 - g. The Applicant shall furnish the PWD-DED with proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
 - h. The Applicant shall obtain approval from all parties owning an interest in any existing rights-of-way or easements within the subdivision, which are proposed to be changed, modified, or deleted. Deeds shall be recorded concurrently with the Final Map to reflect the proposed revision, modification or removal of any existing rights-of-way or easements. The deeds shall be submitted to the PWD-DED and shall be in forms approved by the City Attorney.
46. Pedestrian and Bicycle Access during construction. At all times during the Project construction, all existing pedestrian public access through and/or adjacent to the Project Site, including the existing Class I Path (Austin Miller Memorial Bike Path), shall remain unobstructed and open to the public or be re-routed in a manner approved by the Public Works Director in writing. A plan for the rerouting of the existing Class I Path shall be included in the improvement plans and constructed prior to closing the existing Class I Path.
47. Prior to commencing any activities on Site and any ground disturbing activities, the Applicant shall:
- a. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and the Contractor provides the following:

ATTACHMENT 1

- (i) Six (6) full size bond copies of the approved Improvement Plans for City’s use.
- (ii) One (1) job Site copy of the CON Standards for their use.

48. Development Impact Fees

- a. Subject to Section 49, the Applicant shall pay Street Improvement Fees (SIF) in accordance with the Master Schedule of City Fees and Charges effective at the time of issuance of a Building Permit (Policy Resolution 16). The current rates for the Street Improvement Fee (effective July 2022) for this Project are shown for illustrative purposes and are as follows:

	Land Use	Unit (DU)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Single Family Detached Housing	53	\$1,538/DU	\$2,258/DU	\$81,514	\$119,674
					\$81,514	\$119,674

- b. Subject to Section 49, the Applicant shall pay the Big Ranch Specific Plan Area Development Impact Fees (Big Ranch SP DIF) in accordance with the Master Schedule of City Fees and Charges effective at the time of issuance of a Building Permit (Policy Resolution 16). The current rates for the Big Ranch Specific Plan Area Development Impact Fee (effective July 2022) for this Project are as follows:

	Land Use	Unit (DU)	Big Ranch Specific Plan Rate	Big Ranch Specific Plan Fee
New Use	Single Family Detached Housing	53	\$10,590/DU	\$561,270
				\$561,270

49. Off-Site Improvements subject to reimbursement by City

- a. The Applicant shall construct the following off-site improvements, which shall be subject to fee credit to offset the Big Ranch SP DIF and SIF (Street and Underground Component) or reimbursement by the City in accordance with the

ATTACHMENT 1

terms of a reimbursement agreement executed by the City and the Applicant pursuant to NMC Chapter 15.51 (“Reimbursement Agreement”).

- (i) 5 foot bicycle lane, 8 foot parking lane, 5.5 foot curb, gutter and sidewalk, 6.5 foot bioretention facility, relocation of the Class I Austin Miller Memorial Bike Path generally shown on the Sierra Avenue section on sheet 9 of 17 of the Tentative Map.
 - (ii) Landscaping and irrigation for bioretention facility and area between sidewalk and Class I path.
 - (iii) Utility lateral stub outs to the undeveloped portion of Garfield Park including water, sanitary sewer and electric.
 - (iv) Replacement of ADA ramps at Sierra Avenue and Willis Drive.
 - (v) Replacement of ADA ramps on Villa Lane crossing Villa Court.
- b. Prior to issuance of a building permit, the Applicant shall execute the Reimbursement Agreement in a form approved as to substance by the Public Works Director and approved as to form by the City Attorney.
- c. The amount of the Fee Credits and/or reimbursement shall be determined from actual hard and soft costs for design, permitting and construction of the Sierra Avenue Off Site Improvements described in subsection (a) above including without limitation:
- (i) PG&E (and other utility) permitting fees;
 - (ii) Performance and Payment bonds;
 - (iii) Legal documentation fees;
 - (iv) Engineering and Landscaping Design costs, construction surveying, material testing, and inspection (subsection (a)(i) and (ii) only); and
 - (v) Construction Management overhead in the amount of 10% of the Sierra Avenue Off-Site Improvement construction costs (subsection (a)(i) and (ii) only).
- d. If the Applicant enters into a Reimbursement Agreement, payment of the Development Impact Fees listed in Section 48 shall be deferred until prior to issuance of a certificate of occupancy for the first unit.
50. Prior to issuing a certificate of occupancy of the first unit or Building Permit Final (whichever occurs first): The Applicant shall submit documentation to the Building

ATTACHMENT 1

Division for review and approval that indicates the following items have been completed as reviewed and approved by the PW-DED.

- a. The improvements identified on the Public Street Repair Plan shall be completed.
- b. All road surfaces shall be restored to Pre-Project conditions after completion of any Project-related pipeline installation activities.
- c. Any damaged curb, gutter, sidewalk or other public improvements shall be replaced in accordance with CON Standards.
- d. Submit an inspector's punch list indicating that all the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer, and all improvements are to be constructed to the satisfaction of the City Engineer or their representative.
- e. Submit a certification by the Geotechnical Engineer of Record that all work has been completed in conformance with the recommendations in the Soils Investigation/Geotechnical Report.
- f. 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 BMPs have been installed and inspected as designed per the approved plans. A copy of the form may be requested from the PWD DED – Stormwater Program.
- g. Submit a certification by the Engineer of Record that all work has been completed in substantial conformance with the approved Improvement Plans and SCP.
- h. Identify all onsite post-construction BMPs and along the Project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.
- i. The Applicant shall submit to the PWD-DED all improvement plans in digital AutoCAD 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. AutoCAD files shall be updated for as-built information and submitted to and approved as complete by the PWD-DED prior to occupancy.
- j. Prior to Final PW-DED & Final SW sign off, all disturbed areas shall be installed with final, permanent stabilization measures to ensure no sediment laden water discharged from the Site.

UTILITIES DEPARTMENT – WATER DIVISION

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

ATTACHMENT 1

- a. Submit a utility plan for review and written approval by the Utilities Director identifying the following information:
 - (i) Size of existing water service(s) to the Site;
 - (ii) Existing water main(s) and applicable tie-in locations, details, etc.;
 - (iii) Abandonment of any existing unused water service(s);
 - (iv) Installation of a single water service for each lot with approved backflow prevention device. The type of backflow device(s) required to be installed shall be determined by the Utilities Department Cross-Connection Specialist;
 - (v) Installation of water distribution mains sized appropriately;
 - (vi) Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations;
 - (vii) Installation of a sufficient number of water main valves at City-approved locations;
 - (viii) Relocation of any affected water facilities and/or appurtenances;
 - (ix) Size and location of all proposed water services (residential, fire, irrigation, etc.);
 - (x) Meter boxes and water services shall be located a minimum of 3-ft outside any vehicular travel ways.
 - (xi) Water services and meters shall be installed per City Standards within public right-of-way or dedicated public utility easement.
 - (xii) Construction of improvements (permanent structures, other utilities etc.) shall meet the minimum required clearances from all public water infrastructure per City Std W-18, W-22A and W-22B.

52. Prior to Building Permit Approval, the Applicant shall:

- a. Submit fire sprinkler plans (if applicable) to the Fire Prevention Division for review and approval. The water service size required to meet fire sprinkler demands shall be consistent with the water service size on the Civil plan set.

The Applicant shall demonstrate compliance with Napa High Performance Building Standards on the building permit plan set. This requirement can be met by listing the make and model of each plumbing fixture, or by labeling each fixture with the maximum flow rate. (see table for fixture requirements)

ATTACHMENT 1

Plumbing Fixture	High Performance Building Standard
Toilet	Shall not exceed 1.28 gallons per flush(gpf). Must be certified U.S. EPA WaterSense
Showerhead	Shall not exceed 1.8 gallons per minute (gpm) at 80 psi. Must be certified U.S. EPA WaterSense
Bathroom Faucet	Shall not exceed 1.2 gpm at 60 psi
Kitchen Faucet	Shall not exceed 1.5 gpm at 60 psi
Dishwasher	Shall "e "Energy S"ar"
Clothes washer	Shall "e "Energy S"ar"

- b. Submit all required water service capacity/connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559.

53. Prior to issuance of a certificate of occupancy, the Applicant shall:

- a. Submit remaining fees (hot-taps, meter sets, etc.) to the Water Division at 1700 Second Street, Suite 100, Napa, CA;
- b. Construct all water improvements as shown on the approved plans, the City of Napa Public Works Department Standard Specifications and the special conditions listed above;
- c. Obtain a backflow device inspection from City of Napa Water Division. Call (707)257-9544 at least 48 Hours in advance of requested inspection time;
- d. 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; and
- e. Complete a meter verification test (to be scheduled and performed by the City of Napa Water Division).

54. Prior to Building Permit Final, the Applicant shall:

- a. Applicant shall have met all water demand mitigation requirements, if applicable, as stated in NMC Section 13.09.010. The Applicant shall contact City of Napa Water Division at 707-257-9309 for information regarding the Project's water demand mitigation requirements under NMC Section 13.09.010. The Applicant is responsible for fulfilling all water demand mitigation (offset) requirements using one of three possible methods: 1) Toilet Retrofit Certificates, 2) In-Lieu Fee per

ATTACHMENT 1

the City's Master Fee Schedule, or 3) Alternative Method, as specified in a program letter sent following building permit issuance;

- b. Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats; and
- c. Applicant shall physically mark 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 City).

UTILITIES DEPARTMENT – SOLID WASTE AND RECYCLING DIVISION

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

- a. Submit a plan for review and written approval by the Utilities Director identifying locations for each lot to place three carts (solid waste, recycle, and compost) at a location accessible by the City's authorized collection vehicle. Parking spaces shall be designated as "No Parking" on collection day as necessary to accommodate the number of carts being serviced.

56. Prior to approval of the Building Permit, the Applicant shall:

- a. 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. If the Project is subject to the requirements above, the Applicant shall file a Waste Reduction and Recycling Plan (WRRP) for review and approval by the Compliance Official with the building permit application. 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 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.

57. Prior to issuance of a certificate of occupancy, the Applicant shall:

- a. Submit 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.

PARKS AND RECREATION SERVICES DEPARTMENT

58. The Applicant shall provide water (multi-point for irrigation and restroom), sewer and electrical utility connections for Garfield Park.

ATTACHMENT 1

- a. The existing water and sewer connections appear to be in the right location as shown on the tentative subdivision map, but City Staff will need to verify these details and sizing on the final plan set prior to the approval of IP.
59. The Applicant shall provide 10' of maintenance vehicle access, with a single or double-pipe gate that provides pedestrian access, at the two corners of the park along Sierra Avenue, nearby Willis Drive and Villa Lane.
- a. The details shall be shown on the IP plan set subject to the review and approval of the Parks & Recreation Director and the Public Works Director prior to approval of the IP.
 - b. The improvements shall be completed prior to issuance of the first certificate of occupancy (excluding model homes).
60. Prior to issuance of a certificate of occupancy, the Applicant shall replace the following existing park amenities that will be adversely impacted by the road construction in conjunction with the relocation of the Austin Miller Memorial Bike Path:
- (i) Trash receptacle (vendor: Big Belly standard capacity double station)
 - (ii) A single or double-pipe gate
 - (iii) Dog bag receptacle (vendor: "Zero waste usa" Mini Sentry station roll bag system – green)
61. The Applicant shall complete the relocation of the Class I Austin Miller Memorial Bike Path and open such path to the public prior to commencement of construction of the Sierra Avenue roadway extension.
62. The Applicant shall install landscaping and tree improvements on both sides of Sierra Avenue [in](#) accordance with the City's Standard Plans and Specifications.
- a. The landscaping and tree improvement details shall be shown on the IP subject to the review and approval of the Parks & Recreation Director and the Public Works Director prior to approval of the IP.
 - b. The improvements shall be completed prior to issuance of the first certificate of occupancy (excluding model homes). The typical standards are as follows:
 - (i) 15-gallon Tree Standard: T-1
 - (ii) Street Tree Planting Notes: T-2
 - (iii) Tree Irrigation Bubbler Standard: PL-5 and PL-5A

(iv) Irrigation Control Standard: PL-3A or PL-3B

(v) See [here for Master tree list:](https://www.cityofnapa.org/DocumentCenter/View/5635/2019-Master-Street-Tree-List-PDF?bidId=)
<https://www.cityofnapa.org/DocumentCenter/View/5635/2019-Master-Street-Tree-List-PDF?bidId=>

- (a) Category 1 large trees for 6ft+ width planter strip
- (b) Category 2 medium trees for 5-6ft wide planters
- (c) Category 3 medium trees under power lines
- (d) Category 4 small trees 2-3ft planter strips

63. Prior to issuance of a certificate of occupancy (excluding model homes), the Applicant shall provide and install trail signage for the relocated Austin Miller Memorial Bike Path. Prior to installation of the signage, the Applicant shall submit the design, content and proposed location of the sign to the Parks & Recreation Director (or designee) for written approval. The signage is subject to reimbursement by the City pursuant to Section 49.

64. The future ADA parking adjacent to the park and along the north side of the proposed Sierra Avenue extension shall be located west of the pedestrian crossing. Construction shall be completed prior to opening Sierra Avenue to the public.

- a. The details shall be shown on the final plan set subject to the review and approval of the Parks & Recreation Director and the Public Works Director prior to the issuance of improvement plans.

65. Prior to issuance of a certificate of occupancy (excluding model homes), the Applicant shall install street lighting along Sierra Avenue on the side of Garfield Park to provide light for the Austin Miller Bike Path if the installation of lighting is determined by the Public Works Director to be feasible. The location of the lighting shall be shown on the IP and shall be subject to the review and approval of the Parks & Recreation Director and the Public Works Director concurrent with the approval of IP.

NAPA SANITATION DISTRICT

66. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District confirming that the Applicant has complied with all Napa Sanitation District requirements applicable to the Project in their letter dated March 15, 2023, and attached as Exhibit A.

CITY GENERAL CONDITIONS

67. 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.
68. Unless otherwise specifically provided in this resolution, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.
69. No use authorized by this permit may commence until after the Applicant executes any required permit agreement required by previously stated conditions of approval.
70. 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).
71. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, plans and specifications, or other approved documents, to comply with the General Plan, any applicable Specific Plan, the NMC, City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, and the approved tentative map, site plan, plans and specifications, and other approved documents.
72. 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.
73. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees harmless from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents,

ATTACHMENT 1

officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the applications relating to 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.

74. 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.
75. 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 required in connection with the instant approvals has 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.
76. 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.
77. 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.
78. The Design Review Permit, and Tentative Subdivision Map and Use Permit shall become effective on the day following Council's approval of this Resolution, is subject to expiration and revocation, and may be extended, all in accordance with the provisions in NMC Chapters 16.20 and 17.68, as applicable.

ATTACHMENT 1

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 7th day of November 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney



EXHIBIT A

March 15, 2023

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

RE: 21-0063 Vintage Farm Subdivision, REFRL-001228, Steve Abbs Davidson Homes, 1185 Sierra Avenue (Dilley)

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.

1. A plan showing the required sanitary sewer improvements, conforming to NapaSan standards, shall be prepared by a registered civil engineer and shall be submitted to NapaSan for approval prior to issuance of permits.
2. The subject parcel is currently outside of NapaSan's service area boundary. Annexation of the subject parcel will be required. Any existing private sewage disposal systems shall be abandoned.
3. The owner/developer shall enter into an improvement agreement with NapaSan and post the appropriate bonds covering the sanitary sewer work.
4. Any public sanitary sewer facilities proposed to be installed on private property shall be centered within 20-foot wide sanitary sewer easements. No trees, permanent structures, or private utilities will be allowed within the easement area. All weather access drives and turnaround areas shall be provided to sanitary sewer structures located within easements.
5. Any private sewer facilities proposed to serve multiple parcels shall be designed to meet NapaSan's standards for private sewer mains (2% minimum slope for 4-inch pipes and 1% minimum for 6-inch and greater)

NapaSan
1515 Soscol Ferry Road
Napa, CA 94558

Office (707) 258-6000
Fax (707) 258-6048

www.napaslan.com

COLLECTION • TREATMENT • RECOVERY • REUSE

EXHIBIT A

6. The owner shall enter into an agreement with NapaSan that outlines the maintenance responsibilities of the private sanitary sewer mains.
7. Each parcel shall be served by a separate sanitary sewer lateral at 2% minimum slope.
8. The developer shall construct a sanitary sewer lateral to provide service to the future restroom at the proposed City park on APN 038-240-018, according to the Garfield Park Master Plan. The lateral shall be designed to serve the restroom by gravity at 2% minimum slope. Contact NapaSan for more information.
9. The proposed sanitary sewer main shall be installed a minimum of 8 feet from the face of curb, a minimum of 10 feet from the proposed water main, and a minimum of 5 feet edge-to-edge from other utilities.
10. Sanitary sewer laterals shall be installed a minimum of 10 feet from street trees and a minimum of 5 feet from bioretention areas and property lines. Laterals shall not be located within or across driveways.
11. Sanitary sewer facilities are required to have a minimum of 36" of cover at all points within the public right of way. The proposed sanitary sewer facilities shall be designed to meet this requirement.
12. 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. Annexation Fees
 - c. Plan Check Fees
 - d. Inspection Fees
 - e. Capacity Charges (per single family dwelling and accessory dwelling unit)
13. 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 \$11,087 and will increase by the Consumer Price Index (CPI) annually in July. Commercial capacity

EXHIBIT A

charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff for additional information regarding capacity charges.

Sincerely,



Gavin Glascott
Assistant Engineer

March 15, 2023
Page 3