

RESOLUTION R2023-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A TENTATIVE SUBDIVISION MAP FOR THE NAPA PIPE-BROOKFIELD SUBDIVISION, A PART OF THE NAPA PIPE DEVELOPMENT PLAN, TO SUBDIVIDE BLOCKS 16, 19 AND 22 OF THE NAPA PIPE DEVELOPMENT PLAN INTO 79 SINGLE-FAMILY LOTS AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, commencing in 2007, the County of Napa ("County") received a series of applications from Napa Redevelopment Partners, LLC ("Landowner") to develop that certain approximately 154 acres of property located at 1025 Kaiser Road in Napa County bearing Assessor's Parcel Numbers ("APNs") 046-412-006, 046-412-007, 046-400-054, and 046-400-055 (collectively, the "Property"); and

WHEREAS, on January 14, 2013, the County Board of Supervisors, pursuant to and in compliance with the California Environmental Quality Act ("CEQA") and its implementing regulations (the "CEQA Guidelines"), certified an environmental impact report (State Clearinghouse No. 2008122111; the "Certified EIR") as adequate and complete for Landowner's proposed development of the Property; and

WHEREAS, in 2014 and 2015, the County approved various land use approvals for development of the Property, including a master tentative map to reorganize and subdivide the existing parcels for development, and a development plan, design guidelines, and a development agreement to govern future development of the Property; and

WHEREAS, in 2015, in anticipation of its annexation of the Property to the City of Napa ("City"), and pursuant to and in compliance with CEQA and the CEQA Guidelines, the City prepared and approved an Addendum to the Certified EIR to support various actions taken or to be taken by the City in connection with its anticipated annexation of the Property; and

WHEREAS, between 2015 and 2020, the Napa County Local Agency Formation Commission ("LAFCO") approved and the City completed the annexation of the Property to the City; and

WHEREAS, in 2019, Landowner applied to the City for various amendments to the previously issued County development approvals intended by Landowner to implement a revised development proposal for the Property, and in connection with its review and processing of such applications, and pursuant to and in compliance with CEQA and the CEQA Guidelines, the City prepared a second Addendum to the Certified EIR; and

ATTACHMENT 1

WHEREAS, in January 2020, the City adopted Resolution R2020-013 approving the second Addendum and also approving Landowner's applications for amendments to the previously issued County approvals, including amendments to the approved master map ("Master Map"), development plan (the "Development Plan"), and design guidelines (the "Design Guidelines") and adopted Ordinance O2020-003 approving amendments to the development agreement (the "Development Agreement"). These amended approvals are referred to herein collectively as the "Governing Approvals"; and

WHEREAS, to implement its revised development proposal for the Property, and consistent with the Governing Approvals, Landowner intends to convey specific portions of the Property to third party homebuilding and development companies, which third parties will undertake actual development of those properties; and

WHEREAS, consistent with the Governing Approvals, Landowner has agreed with Brookfield Bay Area Holdings, LLC ("Applicant") to convey to Applicant that certain approximately 6.74 acres comprising Blocks 16, 19, and 22 on the approved Development Plan located on portions of APNs 046-400-054 & 046-412-006 (the "Tentative Map Property") for Applicant to construct up to 79 single family residential homes consistent with the Governing Approvals (the "Residential Project"); and

WHEREAS, to give effect to Landowner's proposed conveyance of the Tentative Map Property to Applicant, and to facilitate Applicant's ultimate sale of the completed residential homes to prospective home buyers, Applicant has applied to the City for approval of a tentative subdivision map to create 79 single family residential lots and ancillary parcels required to serve the future residences, as required by and consistent with the Governing Approvals (the "Tentative Map"); and

WHEREAS, under Napa Municipal Code ("NMC") Section 16.04.090.B , applications for approval of tentative subdivision maps of five or more lots are subject to design review by the City Council in accordance with NMC Chapter 17.62; and

WHEREAS, in contrast to Chapter 17.62 of the NMC, under the Development Agreement, design review for private building improvement plans must be reviewed and approved by the City's Community Development Director (the "Director"), and are not subject to approval by the City Council; and

WHEREAS, on November 18, 2022, the design review for the private building improvement plans for all single family residences proposed for the Tentative Map Property were approved by the Director, consistent with the Governing Approvals, and the Applicant has not appealed the Director's determination to the Planning Commission, therefore, the only remaining component of the design review required for the Tentative Map under NMC Title 16 and Chapter 17.62 is review of the design of the tentative subdivision map itself; and

ATTACHMENT 1

WHEREAS, on February 2, 2023, the Planning Commission considered the Tentative Map at a duly noticed public hearing, at which time it heard a presentation by Staff, took public testimony, and closed the public hearing, and deliberated on the Residential Project, considering all previously submitted written and oral testimony and relevant evidence thereon, and subsequently recommended that the City Council approve the Residential Project; and

WHEREAS, on March 7, 2023, the City Council considered the Residential Project at a duly noticed public hearing, at which time it heard a presentation by Staff, took public testimony, and closed the public hearing, and deliberated on the Residential Project, considering all previously submitted written and oral testimony and relevant evidence thereon.

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 of this Resolution are true and correct and establish the factual basis for the adoption of this Resolution.

Section 2. The City Council hereby determines that the potential environmental effects of the actions authorized by this resolution were adequately evaluated and addressed in the Certified EIR and the Addendums thereto, that none of the conditions described in Section 15162 of the CEQA Guidelines requiring preparation of a subsequent environmental document would occur as a result of the Residential Project, and therefore no additional environmental review or document is required.

Section 3. The City Council hereby approves the design of the Tentative Map in accordance with Section 16.04.090.B of the City's Subdivision Code and NMC Chapter 17.62 and makes the following findings in support thereof:

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 NP-MU; Napa Pipe Mixed Use 1998 General Plan designation, which envisions a diverse mixed-use neighborhood adjacent to the Napa River. The Development Plan implements the 1998 General Plan vision and establishes permitted density ranges for each residential block. The Tentative Map creates 79 single family residential lots on blocks 16, 19 and 22 of the Napa Pipe Development Plan with 79 units consistent with the 1998 General Plan, the Development Plan and Design Guidelines, and the Development Agreement.

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

ATTACHMENT 1

The proposed subdivisions design and site layout are consistent with the goals, policies and recommendations outlined in the applicable Development Plan and Design Guidelines.

- C. *The design of the Tentative Map is in accord with the applicable provisions of Titles 16 and 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 of the Tentative Map is consistent with the applicable provisions of NMC Titles 16 and 17 as conditioned. The Tentative Map has been found to be consistent with the applicable development standards, Design Guidelines, Development Plan and Development Agreement. All lots comply with the minimum lot size, coverage and setbacks of the zoning district, Design Guidelines and Development Plan. As such, with implementation of the adopted conditions of approval, the proposed Residential Project would not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the general health, safety, and welfare of the community.

Section 4. The City Council hereby approves the Tentative Map prepared by cbg Civil Engineers, dated September 30, 2022 ("Application Plans"), submitted as part of the Tentative Map application, and makes the following findings in support of the approval:

- A. *That 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 are consistent with the NP-MU; Napa Pipe Mixed Use 1998 General Plan designation, which envisions a diverse mixed-use neighborhood adjacent to the Napa River. The adopted Development Plan implements the General Plan vision and specifies assumed densities for each residential block. The Tentative Map is proposed for blocks 16, 19 and 22, of the Napa Pipe Development Plan with 79 units and is consistent with the 1998 General Plan. The Residential Project is also consistent with the following 1998 General Plan policies:

Land Use Element Policy- LU-3.4: The City shall provide for the efficient development and redevelopment of land within the RUL in order to allow job and housing growth through the end of the planning period.

The proposed tentative map is implementing a portion of the approved Development Plan which rezoned industrial lands to enable the building of a mixed used community within the Rural Urban Limit.

Land Use Element Policy- LU-1.2: The City shall strive to preserve and enhance the integrity of existing neighborhoods and to develop new neighborhoods with similar qualities as the existing neighborhoods.

ATTACHMENT 1

The approved Development Plan creates a blueprint for a new neighborhood near the Napa River which has open spaces, trails and commercial spaces. The proposed tentative map implements a portion of the new neighborhood which aims to create an enduring community.

Housing Policy- H1.1: Efficient Use of Land. The City shall promote creative and efficient use of vacant and built on land within its RUL to help maintain the City's preeminent agricultural environment and open space.

The development of 79 new single family homes on three parcels on the Property will promote the development of compact neighborhoods which reduces the demand to develop surrounding agricultural and open space lands.

- B. *The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or 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.

Section 5. The City Council's approval of the Tentative Map, is subject to the following conditions:

1. This Tentative Map approval authorizes the Applicant to subdivide blocks 16, 19 and 22 of the Napa Pipe Development Plan into 79 single family residential lots in accordance with the Application Plans; the Governing Approvals, and these conditions of approval. All capitalized terms used but not defined herein shall have the meaning set forth in the Governing Approvals.
2. The Applicant shall comply with the applicable conditions in City of Napa Resolution R2020-013 including the adopted Mitigation Monitoring and Reporting Program.
3. All plans for development of the Tentative Map Property shall substantially conform to the Governing Approvals and these conditions of approval.
4. All building permits plans for the Residential Project shall substantially conform to the Governing Approvals and these conditions of approval.
5. All development shall comply with all applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program attached to the Development Agreement as Exhibit E and with the Napa Pipe Intersection Improvement Plan attached to the Development Agreement as Exhibit C, as amended, that more specifically describe

the mitigation measures required with respect to traffic improvements and fair share payments.

6. Notice of Project Restrictions. The Applicant shall record a Notice of Project Restrictions in the official records of Napa County and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the Site, or Final Map, as applicable. The Notice of Project Restrictions shall provide a description of the Site, shall include a true and correct copy of these Conditions of Approval, and be signed and notarized by each property owner of record and shall state the following:

a. This Notice of Project Restrictions is for informing interested persons of the fact that development approvals have been given by City of Napa regarding the herein described property and that such approvals are conditioned upon compliance with certain restrictions that run with the land and are binding upon subsequent owners of the property: A true and correct copy of the applicable Conditions of Approval is attached hereto. More information about the restrictions applicable to this property and the development approvals can be obtained from the City of Napa Community Development Department at 1600 First Street, Napa, California.

7. Prior to commencing construction of any improvements that will become Project Infrastructure (as defined by Section 2.84 of the Development Agreement), Applicant shall provide City with satisfactory evidence (as determined by City) of the insurance required by Section 34 of the Development Agreement.

8. Prior to filing with the City for the City's approval any final map for all or any portion of the Tentative Map Property, the Landowner shall demonstrate, to the satisfaction of the Director, that the Landowner and the Applicant (to the extent applicable) are, at the time of such filing, in full compliance with all terms, conditions and obligations of the Landowner (Napa Redevelopment Partners, LLC) (collectively, "Landowner Obligations") under the Governing Approvals, including the following agreements:

- Second Amendment to and First Restatement of Development Agreement by and between City of Napa and Napa Redevelopment Partners, LLC (City of Napa Agreement No. C2020-042) (referred to herein as the "Development Agreement"); and
- Annexation Consent, Protest Waiver, and Water Service Agreement by and between the City of Napa and Napa Redevelopment Partners (City of Napa Agreement No. C2015-224) (referred to herein as the "Water Service Agreement"); and
- Project Improvement Agreement for Napa Pipe Redevelopment – Roundabout, City of Napa Agreement No. C2022-135; and
- Project Improvement Agreement for Napa Pipe Redevelopment – Anselmo Court, City of Napa Agreement No. C2022-137; and
- Project Improvement Agreement for Napa Pipe Redevelopment – Main Infrastructure, City of Napa Agreement No. C2022-185; and

ATTACHMENT 1

- Project Improvement Agreement for Napa Pipe Redevelopment – Residential Phase 1, City of Napa Agreement No. C2022-186..

No final map may be filed with or approved by the City or recorded in the Official Records of the County of Napa unless and until the Director has determined that the Landowner and the Applicant (to the extent applicable) are in full compliance with all Landowner Obligations under the Governing Approvals, including all of the agreements listed above. This Condition of Approval is intended to apply to only those Landowner Obligations the satisfaction of which is required on or before the date of filing of the final map with the City, and is not intended to preclude the filing or recording of a final map based on the failure to satisfy a Landowner Obligation whose satisfaction is not required on or before the date of the filing of such final map.

9. No building permits shall be issued for construction until approval of a Final Map for the applicable Block in accordance with the Subdivision Procedures attached to the Development Agreement as Exhibit I. The Applicant may submit multiple Final Maps in accordance with the Subdivision Map Act and NMC Title 16 (Subdivisions).

10. The plans submitted for building permits shall conform substantially to the plans prepared by cbg Civil Engineers dated September 30, 2022 and representations submitted with the application and as reviewed and approved by the City Council, and as amended by the conditions of approval.

11. Unless approved by the Planning Manager, the Applicant shall not change the locations of the home models from those indicated on the plans dated September 30, 2022.

12. Unless approved by Planning Manager, the Applicant shall not alter building footprints from the approved locations. Plans submitted for building permit shall include dimensioned setback identification.

13. Prior to issuance of the first residential building permit in Phase 1 of the Napa Pipe development, the Landowner shall deposit \$500,000 to the City of Napa to provide assistance to homebuyers whose households include at least one member who works in Napa County for purchase of market rate or moderate-income units developed as part of the Napa Pipe project.

14. Prior to the issuance of a Certificate of Occupancy for a residential unit in Phase 1, the Landowner shall obtain City approval of funding and marketing programs to market the proposed housing units to members of the local workforce and to businesses in the project vicinity (for employee housing), consistent with the requirements of Mitigation Measure GHG-1b of the Project EIR and Exhibit E of the Development Agreement.

15. Prior to the first sale or rental of a Market Rate Residential Unit in the Napa Pipe Project, Landowner shall obtain City approval of an outreach and marketing plan for

the Market Rate Residential Units that meets the requirements of Section 4.3 of the Affordable Housing Plan attached as Exhibit B to the Development Agreement. The Landowner may satisfy this condition with the marketing program required by Condition No. 14 provided that such program satisfies all the requirements of Condition No. 14 and this condition.

16. Prior to approval of each final map for the Napa Pipe Project, Landowner shall obtain the City's approval of all Governing Documents (as that term is used in Section 16.3.1 of the Development Agreement) including without limitation the applicable Conditions, Covenants & Restrictions (CC&Rs) for the Site, as provided in Section 16.3.1 of the Development Agreement.

17. Development within any individual parcel or block unit shall trigger the obligation to construct the surrounding infrastructure and surface improvements to the back of curb on the opposite side of the street bounding that parcel.

18. Each Final Map for the Residential Project and associated improvement plans shall include landscape and irrigation plans within the boundaries or adjacent to the boundaries of the Final Map.

19. All buildings in the Residential Project shall have finished floor elevations one foot above Base Flood Elevation.

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

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

- h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

22. Lighting. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on any adjoining properties, impact aircraft overflight, or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the buildings are permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit within a Final Map, two copies of a detailed lighting plans showing the location and specifications for all lighting fixtures to be installed on the Site shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code and the Governing Approvals.

23. Landscaping:

a. Two (2) copies of a detailed final landscaping and irrigation plan within a Final Map, including parking details where applicable, shall be submitted with the Building Permit application package for the Planning Division's review and approval prior to the issuance of any building permit. The plan shall be in compliance with and prepared pursuant to the City's Water Efficient Landscape Ordinance (WELO). The required landscape plan shall indicate plant location, species, size at planting, quantity of each, method of planting, underground automatic sprinkler system, and similar landscape design information. The irrigation system shall utilize reclaimed water when it is made available in the vicinity.

b. Plant materials shall be purchased locally when practical. The Applicant shall notify the Agricultural Commissioner's office (707-253-4357) of all impending deliveries of live plants with points of origin outside of Napa County.

c. On-site Common Area landscaping shall be completed prior to final occupancy of each unit, or as otherwise provided in the Phasing Plan, and shall be permanently maintained in accordance with the landscaping plan.

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

25. Outdoor Storage/ Screening/ Utilities. No outdoor storage is permitted. Any proposal for outdoor storage is subject to separate administrative review and approval by the Planning Division.

26. Mechanical Equipment:

a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building, and when screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The Community Development Director may approve exceptions for solar equipment. All screening is subject to review and approval by the Director. Any skylights will be subject to review and approval by the Director prior to the issuance of building permits.

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

c. Ground-mounted equipment shall be screened by walls or landscaping to the satisfaction of the Planning Division.

27. Colors. The colors used for the roof, exterior walls and built landscaping features of buildings shall be in conformance with the Design Review Approval dated November 18, 2022. Any substantial changes to the approved colors shall be subject to administrative review by the Community Development Director. Highly reflective surfaces are prohibited.

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

29. Aircraft Overflight Easement. Each Final Map within the Residential Project will include a reference to the Avigation and Hazard Easement Deed recorded on June 28, 2022 as instrument number 2022-0012735.

30. Any crane used in the construction of the Residential Project shall be lighted and have flags for improved visibility from aircraft; no construction crane shall exceed 80 feet in height without first obtaining the FAA's express approval.

ATTACHMENT 1

31. Addressing. All Residential Project Site addresses shall be determined by the Community Development Director and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

32. Except as otherwise provided in the Development Agreement, Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements). As provided in Exhibit G of the Development Agreement, the Applicant shall pay the following fees:

- Fire & Paramedic Development Fee as provided in Chapter 15.78 of the Napa Municipal Code (NMC) to be paid in amount in effect on December 14, 2014.
- General Plan Update Fee, if such fee has been adopted at the time required for payment, in the amount in effect on the date payment is required.
- City Public Facilities Fee, if such fee has been adopted at the time required for payment, in the amount in effect on the date payment is required.

33. Except as otherwise provided in Governing Approvals, Applicant shall design and construct all Residential Project improvements and facilities in accordance 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.

34. To the fullest extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees harmless in accordance with Section 23 of the Development Agreement.

35. Construction of the portion of East Collector Park shown as P12 in the Development Plan that is adjacent to Block 22, as shown on the approved Development Plan dated November 14, 2019, shall be completed to the satisfaction of the Community Development Director prior to issuance of a Certificate of Occupancy for the unit representing 75% of the total units on Block 22.

36. In accordance with 2010 California Building Code (Chapter 12, Appendix Section 1207.11.2), sound-rated building construction shall be used to achieve acceptable indoor noise levels (45 dBA Ldn) in residential units along the east and north perimeters of the site (specifically block 13, 14, 17 and 18, as shown on the approved Development Plan dated November 14, 2019). Building sound insulation treatments include, but are not

limited to sound retardant windows and doors, resilient wall constructions, heavy siding and roofing materials (e.g. stucco, Hardi-plank), ventilation silencers, and gasketing. The specification of these treatments shall be developed during the architectural design of the buildings. All residential units in the Residential Project shall require mechanical ventilation to allow for air circulation while windows are closed for noise control. Through application of the design guidelines, residential outdoor use areas shall be shielded from traffic and industrial noise by locating buildings between these sources and the outdoor areas. Noise barriers would be utilized where additional shielding is required to achieve compatible noise levels in order to meet the requirements set forth in the 2020 General Plan, Table 8-1, Land Use Compatibility for Community Noise Environments.

37. The following mitigation measures shall be implemented for all areas (both on-site and off-site) where construction activities would occur to Reduce Fugitive Particulate Matter (PM IO and PM2.5) Emissions. All untreated exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

- a. Limit traffic speeds on any unpaved roads to 15 mph.
- b. Suspend construction activities that cause visible dust plumes to extend beyond construction sites, especially during windy conditions.
- c. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- d. Prohibit the visible tracking of mud, dirt, or material on to public streets. If necessary, all trucks and equipment, including their tires, shall be washed off prior to leaving the site. Any visible mud or dirt tracked on to public roadways shall be removed using wet power vacuum sweepers at least once per day.
- e. During remediation and grading/fill import phases, site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- f. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- g. During renovation and demolition activities, removal or disturbance of any materials containing asbestos or other hazardous pollutants will be conducted in accordance with the BAAQMD rules and regulations.
- h. Remediation activities will be conducted in accordance with BAAQMD rules and regulations.

Mitigation to Reduce NOx Emissions:

- i. The Applicant shall be in conformance with the Landowner-prepared plan approved by the City that demonstrates that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction of the Residential Project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2010.

- j. At least 80-percent of the equipment that will be used on site for 40 hours or greater shall meet current Tier 3 engine standards.
- k. The Applicant shall submit to the City or BAAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of construction of the Residential Project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the remediation and grading (fill import and grading) phase of the Residential Project, except that an inventory shall not be required for any 30-day period in which little or no construction activity occurs.
- l. Opacity is an indicator of exhaust particulate emissions from off-road diesel-powered equipment. The Applicant shall ensure that emissions from all construction diesel powered equipment used on the Residential Project Site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately.
- m. Diesel equipment standing idle for more than three minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site and away from any residences. Clear signage indicating such idling restrictions shall be posted at construction site access points.
- n. The Applicant shall consider alternative sites and methods to import fill material to the Site to reduce NOx emissions. Alternative methods could include use of tugboats or trucks with newer engines that meet recent EPA emissions standards that result in lower emissions. The Applicant shall provide an analysis of such alternatives, along with a calculation of emissions for each method. The analysis shall demonstrate that NOx emissions from remediation activities under Option C shall not exceed 15 tons/year. The City shall use this information to determine the acceptable method for importing fill material to the site. This may include a mix of methods and fill sites.
- o. The Applicant shall reduce planned construction activities on Spare the Air days to lower emissions. The Applicant shall attempt to reduce emissions, possibly below 54 pounds per day, for each day that the BAAQMD forecasts a "Spare the Air Day" at least 24 hours prior. The Applicant shall provide the City with a record of attempts to reduce NOx emissions when Spare the Air Days were forecasted at least 24 hours prior.
- p. The Applicant shall designate a Disturbance Coordinator during construction activities to ensure that all air quality mitigation measures are enforced. In addition, the Disturbance Coordinator will respond to complaints from the public regarding air quality issues (e.g. dust and odors) within 48 hours. The contact information for this Coordinator shall be posted in plain view at the project site. A phone number for the Air District shall also be posted to ensure compliance with applicable regulations.

38. Archaeological Monitoring Plan. To prevent damage to previously identified archaeological resources, prior to any excavation on-site, an archaeologist shall review excavation plans in areas identified as archaeologically/geologically sensitive and shall develop a monitoring plan based on depth of the excavation and data from boring logs. The plan shall include observation of ground disturbing activities (such as grading, trenching and boring) to be focused in areas that are most likely to contain buried resources (see Figure 4.11-1 of 2009 DEIR). The archaeologist shall limit on-site monitoring to only areas where depth of excavation and information from boring logs suggests that sensitive resources may be encountered. In addition, project personnel shall be made aware of the types of materials that denote possible archaeological sites. If archaeological materials are discovered accidentally during the course of construction, all work within 50 feet of the find shall stop while an assessment of the find is made by an archaeologist who is called in. If needed, a treatment plan shall be developed that takes into account the nature and scope of the find. This could range in complexity from a relatively brief investigation of a scatter of lithic materials, to a far more extensive recovery of human remains.

39. The following note must be followed and written on all grading and development plans submitted for the Residential Project:

a. If paleontological deposits are discovered, all work within 50 feet of the find shall stop until a geologist who is called in can determine its significance. Specific recommendations for the treatment of paleontological materials would depend on the nature of the discovery and could range from brief investigation of a limited deposit of invertebrate remains to more extensive exposure and removal of large vertebrate fossils.

b. Residential Project personnel shall be briefed in the proper procedures to follow in the event that human remains are encountered during construction and an archaeologist is not on-site. If human remains are discovered by an archaeologist or by project personnel, all work shall stop within 50 feet of the find and the Napa County Coroner shall be notified. If it is determined that the remains are those of a prehistoric Native American, the Coroner shall notify the Native American Heritage Commission, which will identify the Most Likely Descendent to provide tribal recommendations regarding the disposition of the remains. To the extent feasible and reasonable, recommendations of the Most Likely Descendent shall be implemented.

40. Prior to issuance of a Certificate of Occupancy for the 50th residential unit in the Napa Pipe Development, the Landowner and/or Applicant shall complete the construction of the Syar Way/Street A roadway segment (between Kaiser Road and Napa Valley Corporate Drive), consistent with the requirements of the Napa Pipe Development Agreement.

41. Prior to issuance of a Certificate of Occupancy for the first residential unit in Block 16, the Landowner and/or Applicant shall complete the construction of the following roadway segments consistent with the requirements of the Napa Pipe Development Agreement in order to adequately serve Block 16:

- a. Street BF (between Street BC and BB)
- b. Street BA (between Street BC and BB)
- c. Street BC (between Street BF and Syar Way)
- d. Street BB (between Street BF and BA)

42. Prior to issuance of a Certificate of Occupancy for the first residential unit in Block 19, the Landowner and/or Applicant shall complete the construction of the following roadway segments consistent with the requirements of the Napa Pipe Development Agreement in order to adequately serve Block 19:

- a. Street BF (between Street BD and BC)
- b. Street BA (between Street BD and BC)
- c. Street BD (between Street BF and Syar Way)
- d. Street BC (between Street BF and Syar Way)

43. Prior to issuance of a Certificate of Occupancy for the first residential unit in Block 22, the Landowner and/or Applicant shall complete the construction of the following roadway segments consistent with the requirements of the Napa Pipe Development Agreement in order to adequately serve Block 22:

- a. Street BF (between Street BE and BD)
- b. Street BA (between Street BE and BD)
- c. Street BE (between Street BF and Syar Way)
- d. Street BD (between Street BF and Syar Way)

44. The Applicant shall incorporate the mailbox concept design and location in the Design Review Approval dated November 18, 2022. The proposed location(s) shall be reviewed and approved by the Post Office and the City of Napa Public Works Department prior to the first Certificate of Occupancy for a residential unit within a Final Map.

45. 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 Residential Project. The Napa Sanitation District has described the applicable requirements in a letter to the Planning Division dated August 29, 2019, attached hereto and incorporated herein as Exhibit A.

FIRE PREVENTION

46. In accordance with the standard mitigation measures and conditions of approval set forth by the City of Napa, the Applicant shall pay the Fire Impact Fees (see current Standard Fees and Charges adopted by resolution), prior to the issuance of any building permits.

47. New buildings and additions to existing buildings shall conform to requirements set forth in the currently adopted editions of the California Building Code,

California Fire Code, City of Napa standards and Nationally Recognized Standards.

48. There shall be no deferred submittals for fire protection equipment and related utilities. Fire protection plans shall not be attached to or bound with the building plan submittal package. This includes but is not limited to Automatic Fire Sprinkler, Fire Alarm, Fixed Fire Protection and Civil plans.

49. All Fire related underground piping and fire appurtenances shall be shown on the Civil/ Improvement plan submittal. Dedicated "Fire" pages shall be included in the overall plan set and shall detail all of the following items outlined below. All underground piping and related fire appurtenances including but not limited to underground piping, underground sweep detail, underground trench details showing depth of burial, type of backfill, manufacturer's specifications of piping, valves joints, fittings and calculated size and locations of thrust blocks, hydrants locations (designate public or private), gate shut-off valves, PIV's, FDC's, fire pumps, fire pump and/or riser rooms.

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

51. Fire Department plan review shall be based on the information submitted at the time of permit application. Any changes to the approved/permitted scope of work including additions, alterations, demolition, repair or a change in occupancy/use may impact the project requirements, including but not limited to the installation of additional fire protection systems or components.

52. An approved water supply capable of supplying the required fire flow for fire protection systems shall be provided to all premises upon which facilities or buildings are hereby constructed or moved into or within the City. Required fire flow and hydrant distribution shall be in accordance with NMC Chapter 15.04.

53. Fire Protection systems shall be installed in accordance with provisions set forth in NMC Chapter 15.04.

54. The fire protection equipment shall be located within an interior room having an approved exterior access door or in an exterior enclosure attached to the building, specifically, for the purpose of housing such equipment. Residential fire protection equipment (risers) shall be located within an interior wall (typically in the garage) having an interior access door attached to the building, specifically for the purpose of housing such equipment.

55. Prior to building permit issuance, the Applicant shall provide a fire department circulation plan using the City's ladder truck and demonstrate clear turning movements into and out of the Residential Project. The final design of fire department access components shall be reviewed and approved by the Fire Marshal prior to installation.

ATTACHMENT 1

56. Fire Apparatus Access Roads shall be designed in accordance with NMC Chapter 15.04.

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

58. Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction. Fire apparatus access shall be provided to within 150 feet of the most remote portions of all building from an approved exterior route. If this cannot be achieved fire apparatus turnarounds will be needed.

59. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Vertical traffic calming in the form of speed bumps, humps or dips are prohibited along fire access roads without prior approval of the fire Code Official. The minimum width and clearances established in NMC Chapter 15.04 shall be maintained at all times.

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

61. Where applicable improvement plan submittals for permit shall include locations of fire lane red curbing and fire lane signage. Please refer to and include City Public Works Standard FP-2A & 2B with plan submittals for permitting.

62. A fire hydrant shall be in service within 250 feet of the furthest point of construction prior to the stockpiling of combustible materials for the beginning of construction.

63. Fire Department Connections (FDC) shall be located not more than 100 ft. from the nearest fire hydrant.

64. Improvement Plans submitted for permit shall include City of Napa Fire Department "Underground" standards, detail drawings and the applicable City of Napa Public Works Standard detail (W-7A, B, C or D) for Fire Service double detector check installations.

65. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet approved aerial fire apparatus access roads shall be provided. All fire apparatus aerial access roads shall be designed in accordance with NMC Chapter 15.04 and in conjunction with the City of Napa Standard Specifications and Standard Plans guideline.

ATTACHMENT 1

66. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders. Fire apparatus access road shall not exceed 15% grade.

67. The Applicant shall reduce air pollutant ROG, NOx, PM 10, and PM 2 emissions from both traffic trips and area sources through the measures listed below:

- a. Provide exterior electrical outlets to encourage use of electrical landscape equipment at retail and residential uses.
- b. Implement a landscape plan that provides shade trees along pedestrian pathways.
- c. Obtain LEED certification or achieve equivalent energy efficiency for new residential buildings, which would reduce the future energy demand caused by the Residential Project.

68. In the event of a conflict between these conditions of approval and the Governing Approvals, the Governing Approvals shall prevail.

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 Council held on the 7th day of March 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney

EXHIBIT A



COLLECTION • TREATMENT • RECOVERY • REUSE

August 29, 2019

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

SUBJECT: 18-0168 NAPA PIPE PROJECT AMENDMENTS, REFRL-000930, Keith Rogal, (Allen)

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

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

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

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

1. Utility plans showing conformance with NapaSan Standards were not submitted as part of the current application. The comments included in this letter are based on the information currently available and are subject to change upon receipt of additional information. The current application does not show proposed sanitary sewer or recycled water easements and it is not clear which pipelines are proposed to be public versus private. Private sewer mains shall have a minimum slope of 1% and public mains shall meet NapaSan's easement and access requirements. Contact NapaSan for additional information.
2. The owner/developer shall comply with the sewer and recycled water mitigations/conditions identified in the EIR for the project.
3. NapaSan reserves the right to establish additional conditions at the time of application for individual project components.
4. Studies to determine the impacts of the development on NapaSan's collection system, treatment plant and recycled water system were previously prepared. As determined by NapaSan, the owner shall mitigate impacts to NapaSan's collection system, treatment plant and recycled water system as identified in the studies. Additionally, the owner will be required to offset their sanitary sewer flow above the anticipated volume in NapaSan's 2007 Collection System Master Plan per Board Resolution 11-025. Contact NapaSan for more information.

EXHIBIT A

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

EXHIBIT A

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

Planning Director
Page 4 of 4

EXHIBIT A

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

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

31. NapaSan has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at NapaSan's website (www.NapaSan.com). NapaSan may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.

The capacity charge for an equivalent dwelling unit currently is \$9,803 and will increase by the Consumer Price Index (CPI) annually in July. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff for additional information regarding capacity charges.

Sincerely,



Matt Lemmon, P.E.
Senior Civil Engineer