

RESOLUTION R2018-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT, DESIGN REVIEW PERMIT AND TENTATIVE SUBDIVISION MAP FOR THE NAPA OAKS II PROJECT, A SUBDIVISION OF AN 80.63-ACRE PROJECT SITE INTO 51 SINGLE FAMILY LOTS WITH SIX OPEN SPACE PARCELS, LOCATED AT 3095 AND 3027 OLD SONOMA ROAD AND 211 CASSWALL STREET (APNS 043-040-008, -010, -013 & -025)

WHEREAS, on March 31, 2011 Davidon Homes submitted an application (PL11-0042) for a Use Permit to authorize an increased density on the :HS portion of the property and the use of flag lot development standards; a Design Review Permit for the proposed Tentative Map and single family residences; and a Tentative Subdivision Map to divide the property into 51 single family residential lots with six common area, open space parcels at 3095 and 3027 Old Sonoma Road and 211 Casswall street (APNs: 043-040-008, 010, 013 & 025); and

WHEREAS, by Application PL11-0042, Davidon Homes also applied for a General Plan Amendment, and Zoning Amendment, which, together with the Use Permit, Design Review Permit, and Tentative Subdivision Map, comprise the “Project” evaluated by the Napa Oaks II Project Environmental Impact Report (State Clearinghouse No. 2012082093; the “EIR”); and

WHEREAS, on December 7, 2017 the Planning Commission considered the Use Permit, Design Review Permit and Tentative Subdivision Map and all written and oral testimony submitted to them at a noticed public hearing on the Final EIR, General Plan Amendment, Zoning Amendment, Use Permit, Design Review Permit and Tentative Subdivision Map, at which time the Planning Commission heard a presentation by staff and took public testimony, and thereafter closed the public hearing and subsequently continued its consideration of the “Project” to a special meeting on December 21, 2017 where they subsequently recommended that the City Council deny the application for the General Plan Amendment; and

WHEREAS, on June 19, 2018, the City Council considered the application for the Use Permit, Design Review Permit and Tentative Subdivision Map and all written and oral testimony thereon submitted to them at a noticed public hearing on the EIR and the Project, at which time the City Council heard presentations by staff and Davidon Homes and took public testimony, and thereafter closed the public hearing and considered the applications for the Use Permit, Design Review Permit and Tentative Subdivision Map (hereafter, the “Permit and Map Application”); and

WHEREAS, the City Council has considered all information related to the Permit and Map Application, as presented at the public meetings of the City Council identified

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herein, including any supporting reports by City Staff, and any information provided during public meetings.

WHEREAS, , in compliance with the requirements of the California Environmental Quality Act, the City Council determined, by separate resolution, that the potential environmental effects of the Use Permit, Design Review Permit and Tentative Map Applications were adequately evaluated and addressed in the EIR, which was certified and adopted by the City Council concurrently with approval of the Project Approvals on June 19, 2018.

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

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

Section 2. The City Council hereby approves the Use Permit and makes the following findings in support of the approval:

The proposed use is 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 project is consistent with SFR-121, Single Family Residential General Plan designation which allows for single family development at a density of up to 3 units per acre, and with the RS-7:HS, Single Family Residential, Single Family Residential: Hillside overlay regulations which allow for single family development on minimum lot sizes of 7,000 square feet. The proposed flag lots are consistent with the Zoning Ordinance and the Flag Lot Development standards.

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 Project's Environmental Impact Report determined that the project would result in potentially significant impacts associated with the Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise and Transportation and Circulation, but that such impacts would be reduced to less than significant levels with the implementation of the recommended mitigation measures. All other environmental topic areas would have no impact or less than significant impacts only. As such, with implementation of the adopted mitigation measures, the proposed Project would not result in any significant impacts.

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The proposed flag lot design of Lots 9, 10 and 16 are consistent with the flag lot development standards and approval of the Use Permit will not cause any health, safety and/or general welfare hardship to the community.

The proposed use complies with each of the applicable provisions of the Zoning Ordinance.

The proposed project has been found to be consistent with all applicable development standards of the RS-7:HS, Residential: Hillside Overlay zoning of the property. All lots comply with the minimum lot size, coverage and setbacks of their respective zoning district as allowed by the Alternative Development standards of the Hillside Overlay regulations to allow for height in excess of 24 feet from natural grade.

Staff has reviewed the flag lot design for compliance with the standards of Section 17.08, Residential Districts, and has found that it meets all applicable standards including lot size, access and parking.

The proposed hillside development project is consistent with the purpose of the Zoning Ordinance, the Hillside district standards, and Hillside Development Guidelines.

The proposed project has been found to be consistent with the RS-7:HS, Single Family Residential: Hillside Overlay District regulations and the Hillside Guidelines. All lots comply with the minimum lot size, coverage and setbacks of the RS-7 zoning district. The project complies with the provisions of the Hillside Overlay zoning and the Hillside Development standards by minimizing grading with the use of shared driveways and the placement of building envelopes in close proximity to the access road.

Section 3. The City Council hereby approves the Design Review Permit and makes the following findings in support of the approval:

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

The proposed tentative subdivision map improvements and single family use of the property are consistent with the Single Family Residential General Plan designation and the prescribed General Plan density. The General Plan allows for a density range of up to 3 units an acre and this project proposed a density of 0.63 units an acre. The project is also consistent with General Plan policies regarding neighborhood compatibility as the proposed single family use and lot sizes are similar to other recently constructed subdivisions in the vicinity.

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

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The proposed subdivision design, site layout and architecture as revised by the conditions identified below are consistent with the goals, policies and recommendations outlined in within the Residential Design Guidelines. The proposed project maintains consistent lot orientation and lot sizes that are compatible with the existing neighborhood. The proposed architecture is consistent with the policies outlined in the Residential Design Guidelines. A mix of coherent forms, details, and materials are proposed to create a variety of homes which complement the neighborhood. The design of the homes includes one story and two-story homes are consistent with the design principles for hillside homes.

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

The Design Review permit is consistent with Title 17 of the Municipal Code (Zoning Ordinance), and the Project's Environmental Impact Report determined that all potentially significant impacts would be reduced to a less than significant level with the implementation of recommended mitigation measures while all other environmental topic areas would have no impact or less than significant impacts only. As such, with implementation of the adopted mitigation measures, 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 Map and makes the following findings in support of the approval:

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

The proposed subdivision, improvements and single-family use of the property are consistent with the Single Family Residential General Plan designation which allows for single family development with a density of up to 3 units an acre. The project has an overall density of 0.63 units per acre. The project is also consistent with General Plan policies regarding neighborhood compatibility as the proposed single-family use and lot sizes are similar to existing uses and lot sizes in the vicinity.

The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.

The proposed lot sizes and configuration allow for passive heating and cooling opportunities with building orientation, retention of existing vegetation, and landscaping.

Section 5. The City Council approval of the Use Permit, Design Review Permit, and Tentative Map, and each of them, is subject to the following conditions:

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Community Development Department – Planning Division

1. The plans submitted for building permits shall conform substantially to the plans and representations submitted with the application (date stamped, received September 22, 2017) and as reviewed and approved by the City Council, and as amended by the conditions of approval. The plans indicate a subdivision of an 80.63-acre project site at 3095 Old Sonoma Road into 51 single family lots and six open space parcels. Access to the subdivision will be via new private street off the south side Old Sonoma Drive with a new roundabout intersection at Lienthal Avenue. A secondary emergency access is proposed further west on Old Sonoma Road. The proposed streets, sidewalks, and trails within the subdivision will be privately owned and maintained but accessible to the public through a public access easement. Lot sizes range from 0.3 acres to 0.96 acres, with an average lot size of approximately 0.46 acres. A total of seven model house plans that range in size from 3,418 to 5,109 square feet, with each plan having two to three different elevations.

2. The Developer shall not relocate the single-story home models from the locations that were reviewed and approved by the City Council.

3. The seven distinct home models (Plan 4, through Plan 10) each with two to three distinct elevations shall be arranged so that no model or elevation occurs on adjacent lots.

4. Building footprints are approved as shown on the approved Tentative Map (prepared by DK Consulting, dated August 29, 2017). Developer shall not alter building footprints from the approved locations. Plans submitted for building permit shall include dimensioned setback identification.

5. A building exclusion zone for habitable structures over areas designated as “zones of distributed cracking” west of Lots 14, 15, 16 and the “Riedell shears infill” north of Lot 49 in the Napa Oaks Supplemental Fault Investigation (prepared by Berlogar, Stevens & Associates, dated March 29, 2018) shall be recorded on the Final Map.

6. Any future proposal to deviate from the approved home elevations shall require the preparation of Design Guidelines for the development. These future home designs shall be subject to review pursuant to Napa Municipal Code Section 17.68.140.

7. 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.

8. These approvals are subject to extensions, expiration and/or revocation pursuant to the applicable provisions of the Napa Municipal Code. . It is the responsibility

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of the applicant to familiarize itself with the relevant Code provisions, including but not limited to such relevant provisions in Chapter 16.20, Chapter 17.60 and Chapter 17.62.

9. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated in to 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 on the project.

10. The plans submitted for Building Permit for the future single family residences within the development shall include building elevations that provide the same level of architectural detail found on the front elevation for all elevations. The exterior treatment of each building elevation shall be consistent in form and materials, and provide an overall coherent design for the entire building.

11. If window mullions are proposed for any exterior window within the subdivision the window mullion shall be placed on the exterior of the window.

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

13. Prior to approval of the final map, Applicant shall establish an incorporated homeowner's association with recorded Covenants, Conditions & Restrictions (CC&Rs) to own, operate and maintain the Private Improvements (defined herein) and open space. Alternatively, the Applicant may establish an incorporated maintenance association and their attendant satisfactory CC&R's to provide for the operation and maintenance of the Private Improvements and open space in lieu of a homeowner's association. In either case, the CC&Rs shall be submitted to the City Engineer for approval as to substance and to the City Attorney for approval as to form. No subsequent changes to the CC&R's shall be made without the approval of the Planning Manager.

14. Applicant shall submit to the City, for approval as to substance by the Community Development Director and approval as to form by the City Attorney, open space easements on the open space parcels which shall include maintenance responsibilities of the homeowner's association or maintenance association. The open space easements shall be recorded against the open space parcels, and the obligations shall run with the land.

15. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.

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16. A Final Fencing Plan for the proposed development shall be reviewed and approved by the Planning Manager prior to recordation of the Final Map. This plan shall include fencing between the project site and adjacent neighbor properties. Fences between the project site and adjacent neighbors' properties shall be installed prior to acceptance of the improvements.

17. 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.

Public Works Department

18. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the referenced site plan. All improvements shall be designed in accordance with the City's Standard Specifications and Standard Plans, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards".

19. The Applicant shall construct all improvements to be dedicated to and/or maintained by the City of Napa (i.e. "Public Improvements") as generally shown on the tentative map dated September 5, 2017 and more specifically described below:

a. Construct necessary pavement widening, curb, 4-foot wide sidewalk, 6-foot wide planter strip, various drainage facilities, street lighting, safety related signing and striping improvements, and repairs along the eastern project frontage of Old Sonoma Road east of the Martin property (AP# 043-040-009).

b. Design and construct a roundabout on Old Sonoma Road at the new project entrance across from Lilienthal Avenue. As Old Sonoma Road is a dedicated truck route, the roundabout shall be designed to accommodate the STAA Design Vehicle and conform to Index 405.10 of the current Caltrans Highway Design Manual, subject to the approval of the City Engineer.

If, upon more detailed design, the City Engineer determines roadway transitions and right of way constraints are such that the roundabout is not feasible, the intersection will be designed and constructed as a conventional four-way intersection. Additionally, the developer shall provide adequate sight distance at the project's Old Sonoma Road entrance. Per Mitigation Measure Traf-7, the developer shall coordinate and implement removal of foliage on Old Sonoma Road to improve sight distance to required levels prior to occupancy.

c. Construct sidewalk, curb, and gutter off-site between the project frontage and the termination of the existing sidewalk approximately 300' east of the project site. The developer shall obtain and dedicate right-of-way to the City of Napa where necessary to construct these improvements. Final alignment of said extension will be subject to review and approval of the City Engineer.

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d. Construct sidewalk along the west side of Casswall Street along the project frontage and continuing northerly to Old Sonoma Road. The developer shall obtain and dedicate right-of-way to the City of Napa where necessary to construct these improvements. As an alternative, the Applicant may opt to pay an in-lieu fee equal to the estimated cost of these improvements and right of way to the City. Said cost will be based on the Engineer's estimate of the improvement and right of way cost based on City accepted unit prices.

e. Construct the proposed public trail, including signage and other appurtenant improvements, subject to review and approval of the City.

f. Eliminate any proposed access; pedestrian, bicycle or vehicular, between the service road along the north side of Detention Basin #1 and Casswall Street.

g. Overhead utilities along the project frontage of Old Sonoma Road, Casswall Street and traversing the site shall be placed underground to the first poles lying offsite. This includes services and appurtenant poles to existing residences. The property owner may request a portion of requisite Street Improvement Fee be reduced to offset the cost of undergrounding utilities (i.e., a portion of the utility underground component of the street improvement fee, up to the cost of the associated improvements, may be waived).

h. Water infrastructure improvements sufficient to meet City water quality, operational and fire flow standards as follows:

(1) Install a single water service for each lot with approved backflow devices;

(2) Install a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations;

(3) Install a sufficient number of water quality monitoring/sampling stations at City-approved locations;

(4) Relocate the City's current water pressure zone break to a point east along Old Sonoma Road (intersection of Lilienthal Street and "A" Street), which shall include the installation of a pressure regulator station (Zone 4 to Zone 3);

(5) Install appropriately sized water main(s) within the subdivision and applicable tie-in locations, details, etc. as required, which shall include but not be limited to, 525± feet of 8-inch main in "C" Street, 425± feet of 8-inch main in "A" Street between "F" Street and "G" Court, 225± feet of 8-inch main in "D" Court, 1,100± feet of additional 8-inch main to connect "D" Court to "A" Street (e.g. portions within proposed walking trails), 625± feet of additional 6-inch main from "A" Court to additional 8-inch main from "G" Court to "A" Street to eliminate dead ends in in said Courts, along with any

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additional pipeline to eliminate dead ends (e.g. walking trails and parcels denoted as landscape easements), as approved by the City.

(6) Install approximately 3,250± feet of 12-inch water main in Buhman Avenue between Oak Rock Lane and Congress Valley Road and tie into the existing pipelines at each of the dead ends. The applicant shall coordinate with the Congress Valley Water District to achieve connections on the Congress Valley Road end of said improvements;

(7) Replace the existing 4-inch and 6-inch water mains in Old Sonoma Road with an 8-inch water main (approximately 1,300± feet) across the entire property frontage (from Lilienthal to a point west of the EVAE and PUE);

20. The Applicant shall 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 site plan and more specifically described below:

a. All on-site streets shall be privately owned and maintained from the south end of the curb returns/crosswalk on "A" Street at Old Sonoma Road. Private street improvements and appurtenances shall be constructed to public street standards and shall include, but not be limited to curb, sidewalk, storm drains, signage and striping.

(1) The pavement structural section for all new public street paving shall conform to the Geotechnical Engineer's recommendations but shall not be less than the minimums specified within the City of Napa Standards for the applicable street type.

(2) Due to the reduced pavement width, compliance with Fire Code requirements will prohibit on-street parking along locations where pavement width is less than 28 feet, cul-de-sac bulbs, and knuckles.

(3) Sidewalks shall be constructed along both sides of 56-foot right of way width streets. On 40-foot right of way streets, sidewalk shall be constructed along the one side of the street adjacent to the on-street parking.

(4) Per Mitigation Measure Traf-4, all roadways, public and private, include pedestrian curb ramps at all on-site crosswalks, marked or unmarked, as defined by California Vehicle Code Section 275.

b. Install all new utilities required to serve the project underground.

c. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.

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d. Install all post-construction stormwater treatment facilities consistent with the standards in the city's NPDES permit and in accordance with the post construction storm water management requirements established by the city, including but not limited to, the current version of the Bay Area Stormwater Management Agencies Association Post-Construction Manual or an updated version of that manual or other post-construction storm water management standards as adopted by Council resolution.

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

a. Submit the City's "Initial Submittal Checklist" and "Improvement Plan Checklist".

b. Pay an initial cash deposit of \$3500 for City plan check services.

c. Contact the City of Napa Fire Department to confirm fire suppression requirements, fire service sizes and fire hydrant locations.

d. Provide the following:

(1) Public Street Repair Plan

(2) Utility Plan

(i) Size and location of appropriately-sized water services with backflow devices (commercial, fire, irrigation, etc.) with tie-in locations, surrounding utilities, etc.;

(ii) Existing water main(s) and applicable tie-in locations, details, etc. and abandonment of any existing unused water service(s), including those off-site stated herein;

(iii) Relocation of any affected water facilities and/or appurtenances (e.g. private fire hydrants, backflow devices, etc.);

(iv) Identify all earthquake faults (relative to any pipeline crossings) throughout the subdivision which shall incorporate the design and installation of flexible joint connections;

(3) Submit all required water connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559;

(4) Storm Water Pollution Prevention Plan (SWPPP)

(i) Applicant shall provide Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Development Engineering Division for review and approval with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.

(ii) Construction Water Quality Measures –the property owner shall insure that the Developer and the contractor incorporate storm water quality Best Management Practices (BMP's) into the project construction process.

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

http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml

PLEASE NOTE: Item above does not require a separate Erosion and Sediment Control Plan (ESCP). The ESCP is a part or element of these plans; however, the SWPPP must address all elements of the required ESCP. See ESCP template at:

http://www.cityofnapa.org/images/publicworks/BUD/escp_reviewprocjun2014.pdf

(iv) The construction BMP's shall be shown on the project Erosion and Sediment Control Plan.

(v) The project property owner shall insure that the contractor manages all construction activities; and handles, stores and disposes of all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to the maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains and solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drains, ground water, and/or waterways.

(vi) The project property owner shall insure that the contractor incorporates spill prevention and cleanup measures into the construction operation. All discarded materials shall be removed from the site and disposed of at an approved disposal facility.

(vii) The project property owner shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.

(5) Post-Construction Storm Water Runoff Management Plan

(i) The Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality. As ultimate maintenance responsibility for these BMP's will be divided amongst different entities, separate plans shall be prepared for the

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on-site BMP's and the off-site BMP's The manual and templates may be downloaded from the City's website at:

http://www.cityofnapa.org/images/Stormwater/BASMA_PostCon_Manual.pdf Under "Documents".

(ii) The post-construction BMP's shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).

(iii) The Landscape plans shall be submitted to the Development Engineering Division with the submittal of the Improvement Plans. Landscape Plans shall illustrate all LID post construction measures and include the required plant species as specified in the BASMAA Post-Construction Manual.

(iv) The project post-construction BMP's shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control Standards, BASMAA Post-Construction Manual and accepted design review Stormwater Control Plan prepared by dk Consulting dated May 19, 2017.

(6) Geotechnical Report

(7) Construction Traffic Control Plan.

e. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work. Provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.

f. Provide acknowledgement by the Napa Sanitation District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.

g. Provide acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.

h. Furnish proof of the acquisition of all rights of entry and/or temporary and permanent easements necessary to construct the project and the location of all such rights on the Plans.

i. Submit all required water connection fees.

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

a. Pay off all current account balances.

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b. Pay an initial inspection fee deposit for improvements subject to Public Works Department inspection.

c. Submit a copy of the Notice of Intent for coverage under the State Water Resources Control Board' General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).

d. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:

(1) (6) full-size bond copies of the approved Improvement Plans for the City's use.

(2) (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.

(3) (1) job-site copy of the approved SWPPP for their use.

23. Prior to filing the Final Map, the Applicant shall:

a. Pay initial cash deposit of \$3,500 for City map check services.

b. Construct all Public & Private Improvements to the satisfaction of the City Engineer. The Applicant may enter into an Improvement Agreement with the City to construct all the Improvements prior to Occupancy of the first unit. Such an Agreement will require the Applicant to provide bonds, proof of worker's compensation insurance, and general liability insurance in the forms and amounts as proof satisfactory in form to the City.

c. Convey all easements and dedications, public and private, for the construction, use and/or maintenance of roads or other access, drainage facilities, utilities and post-construction storm water management facilities on the Final Map, to the satisfaction of the City Engineer. Specific conveyances include:

(1) Convey to the City of Napa on behalf of the Public, by irrevocable offer of dedication on the Final Map:

(a) Additional right of way along the frontages of Old Sonoma Road and Casswall Street as necessary to construct required street improvements.

(b) A 5-foot public utility easement adjacent to the frontages of Old Sonoma Road and Casswall Street within the limits of the subdivision.

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(c) A public utility easement over all on-site private streets and 5-feet adjacent thereto within the limits of the subdivision.

(d) Public water easements and appurtenant rights to access pipelines within all streets, walking trails, parcels denoted as landscape easements, etc. (i.e. applicable areas where pipeline will exist), as directed by the Public Works Water Division.

(e) A public access easement over the public trail, trail parking, "A" Street between Old Sonoma Road and the public trailhead, B Court and the Community Park property. Said conveyance should clearly state that the easement is for access only and that the City will not be responsible for maintenance of any trails, parking areas, parks or any other appurtenances or infrastructure relative to the trail, park or trailhead. Maintenance responsibility shall be specified within the CC&Rs prepared in accordance with Condition No. 12 above.

(f) An Emergency Vehicle Access Easement from "F" Street to Old Sonoma Road for that portion lying within the limits of the subject subdivision

(2) Delineate and reserve the following future easements to be conveyed to private parties or non-City entities subsequent to the filing of the Final Map. The Final Map should clearly state the manner in which these future easements will be conveyed to the private parties and non-City entities:

(a) Minimum 10-foot wide private drainage easements to be conveyed to individual homeowners or homeowners' association encumbering all private drainage and stormwater treatment infrastructure serving more than one lot. Additional width may be necessary to provide 4-feet clear of the outside of all drainage and stormwater treatment infrastructure.

(b) "Private Water Easements" to be conveyed to individual homeowners to extend private services behind the public water meter to the properties of which they serve, as approved by the Public Works Water Division.

(c) "Private Sanitary Sewer Easements" to be conveyed to individual homeowners to extend private laterals beyond the public sanitary sewer right of way to the properties of which they serve, as approved by the Napa Sanitation District.

(3) Obtain off-site right of way easement conveyances to the City on behalf of the Public for the following:

(a) The sidewalk extension and appurtenant curb and gutter along Old Sonoma Road from the subject property to the termination of the existing sidewalk on approximately 300 feet to the east.

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(b) The sidewalk extension and appurtenant curb and gutter along Casswall Street from the subject property to Old Sonoma Road.

(c) The off-site portion of the Emergency Vehicle Access Easement from "F" Street to Old Sonoma Road.

Off-site right of way acquisitions will be subject to the provisions of Section 66462.5 of the State of California Subdivision Map Act. If the subdivider is unable to obtain right of way easements from the neighboring properties, the subdivider shall enter into an acquisition agreement with the City. The subdivider will be responsible to pay all the City's costs relative to the acquisitions.

d. Per City Ordinance O2010 18, file a Waste Reduction and Recycling Plan (WRRP) with the building permit application (which will be forwarded by Building Division staff to the C&DD Compliance Official/Materials Diversions staff). The WRRP form is provided by the City. No building permit shall be issued for any project until the Compliance Official has approved the WRRP.

e. Enter into agreements with the City of Napa, approved as to substance by the City Engineer and approved as to form by the City Attorney, for long term maintenance, financing and monitoring for the on-site post construction storm water best management practices that are incorporated as part of the project and as called out in the Approved Stormwater Control Plan.

(1) The agreements shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight, to the satisfaction of the City Engineer.

(2) The agreements 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 (a) be either, at the option of the City of Napa, a signatory to the agreements or a third-party beneficiary to the agreements with the right but not the obligation to enforce the obligation, and (b) secure attorney's fees for the City's legal counsel to enforce such obligations.

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

(4) Appropriate easements or other arrangements satisfactory to the City Engineer (for substance) and City Attorney (for form) necessary or convenient to

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ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.

(5) The owner of the real property shall provide a written document, deed, agreement or similar writing acceptable to the City Engineer (in substance) and the City Attorney (in form) 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.

(6) The owner or operator of any installed treatment system or hydromodification control shall provide the City Engineer with information and physical access necessary to assess compliance with this chapter, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council. (O2014-15, 11/18/14).

f. Pay all account balances and current fees based on the rate in effect at the time of permit issuance. The fee amounts listed below are for informational purposes only as they are updated periodically. These fees include, but may not be limited to the following:

(1) Street Improvement Fee (comprised of street and utility undergrounding components):

Land Use	Street Component Rate	Utility Underground Rate
Single Family Detached	\$2,465/DU	\$2,258/DU

Credits for existing residences on the site to be demolished may be applied to new replacement homes, as determined by the City Engineer.

(2) An in-lieu fee for the cost to construct sidewalk, curb, and gutter per City of Napa Public Works Standard Drawing S-4 along the project's westerly Old Sonoma Road frontage.

(3) An in-lieu fee for the cost of constructing Class II bicycle lanes along Old Sonoma Road from their current termini at the Old Sonoma Road/Foster Road intersection to the westerly end of the project site.

24. Prior to Occupancy of the first unit, the Applicant shall:

a. Submit an inspector's punch list indicating that all "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.

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- b. Restore all adjacent off-site road surfaces to pre-project conditions.
- c. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.
- d. Submit a certification by the Engineer of Record that all work has been completed in substantial conformance with the approved Improvement Plans and Stormwater Control Plan.
- e. Prior to Final Storm Water Sign off, all disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the site.
- 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 bmp's have been installed and inspected as designed per the approved plans. A copy of the form may be requested from the Public Works Development Engineering Division – Stormwater Program.
- g. Identify all on-site post-construction stormwater quality best management practices (BMPs) and along the project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates
- h. Submit any remaining meter set and/or hot-tap fees to the Water Division at 1340 Clay Street, Napa, 94559.
- i. Submit certification that all backflow devices have been installed and tested by an AWWA certified tester (a list of testers is provided by the City of Napa) to the City of Napa Water Division.
- j. Complete the water demand mitigation requirements of this project as specified by the City of Napa Water Division. The Applicant will be contacted by the City of Napa Water Division after obtaining a building permit specifying the requirements for the proposed project.
- k. This project is subject to the requirements in Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation, etc.
- l. Provide a digital copy of the Improvement Plans that include all as-built or field changes, in digital AutoCAD format, compatible with the City's current version, and tied to the City's coordinate system.

Community Development Department – Housing Division

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25. In accordance with the Napa Municipal Code Section 15.94.030, the developer shall pay the applicable Affordable Housing Impact fee at the rate in effect at the time of issuance of each Building Permit.

Fire Department

26. The developer shall pay the applicable Fire and Paramedic Impact Fee prior to the issuance of each Building Permit.

27. 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 requirement for fire sprinklers.

28. The draft Wildland Fire Protection Plan (WFPP) was submitted in November of 2011 with a revised plan submitted in April of 2017. While the Fire Department approves of the plan concepts, it is not a completed or approved document. At time of building permit application, applicant will be required to revise the WFPP with references to currently adopted codes. Additionally, coordination is needed with the project landscape plan to insure both documents are consistent and deliver the recommended mitigation measures. The Fire Department is specifically interested in the details of how the vegetation management plan will be administered and the mechanisms to insure each parcel complies with defensible space guidelines.

29. Defensible space around structures shall be established and maintained in accordance with nationally recognized standards and practices. Prior to the issuance of a building permit a detailed "Fire wise" landscape and defensible space plan shall be submitted and approved for each new residential structure/lot. Please visit Firewise.org for plan details and information.

30. More than one fire apparatus access route shall be provided when it is determined by the Fire Chief that access by a single route might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit ingress or egress.

31. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 72,000 lbs., a maximum grade of 15% and not be impeded by gates, vertical traffic calming, bollards or other barriers.

32. If streets or access roads are not paved from October 15th through April 15th, a temporary all-weather access road shall be provided prior to the stockpiling of combustible materials or beginning combustible construction. Contact the Fire Prevention Division for requirements.

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33. Fire apparatus access shall be provided to within 150 feet of the most remote portions of all buildings from an approved exterior route. Provide a fire department circulation plan using the City's ladder truck and demonstrate clear turning movements into and out of the project.

34. 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.

35. A City-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 Appendix B and C of the California Fire Code.

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

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

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

39. In Wildland Urban Interface Zones (Hillside) or high fire danger areas as determined by the Fire Department, ignition resistant construction materials and techniques shall be utilized in accordance with Chapter 7A of the 2010 California Building Code.

40. The requirements of Chapter 7A may have an impact on design, structural components and aesthetic components. These components may require approval from the building department, fire department and planning department. Chapter 7A includes specific requirements for roof coverings, attic ventilation, eave protection, exterior wall coverings, decking, underside of appendages and floor projections. Compliance with Chapter 7A is required, to the satisfaction of the Fire Marshall.

Napa Sanitation District (NapaSan)

41. 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 written approval, which written approval shall be provided to the City's Public Works Director.

42. There is an existing 20-foot-wide sanitary sewer easement running along

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the eastern property line of the subject parcel. No trees or other permanent structures will be allowed within this easement area. An all-weather access drive shall be provided to the existing manhole located north of the creek.

43. The owner/developer will be required to replace approximately 2,000 feet of existing 8-inch sewer main in Old Sonoma Road with a 10-inch main from Lilienthal Street to Cherry view Court.

44. The private street area shall be dedicated to the Napa Sanitation District as a sanitary sewer easement.

45. 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.

46. No plumbing from outdoor pool/spa areas or water features shall be connected to the sanitary sewer system.

47. The owner/developer shall enter into an improvement agreement with NapaSan, and post the appropriate bonds covering all proposed public sanitary sewer work. All sanitary sewer work that occurs within the public right of way shall be performed by a Class A licensed contractor.

48. The appropriate sanitary sewer easements shall be dedicated to NapaSan for the sanitary sewer mains located in public and private streets and driveways.

49. All future residences will be required to connect to the public sewer system. The existing private sewage disposal systems serving existing dwellings shall be abandoned.

50. No trees or other permanent structures will be allowed within the public sanitary sewer easement areas. An all-weather access drive and approved truck turnarounds shall be provided to all manholes.

51. Each residence shall be served by a separate sanitary sewer lateral.

52. The lots that cannot be served by gravity shall be served by individual private pumped systems. The engineer shall show how the laterals for lots with private pumped systems will be connected to the public sewer facilities. Private pumped systems shall break to gravity prior to discharging into public laterals and mains. If a private main is proposed, the owner shall enter into a private main agreement with NapaSan that outlines the maintenance responsibilities of the owner in regards to the private sanitary sewer system.

53. The owners shall enter into an indemnification agreement with NapaSan relieving NapaSan of the responsibility of replacing the decorative paving (if proposed) in

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the private streets in the event the NapaSan needs to excavate in the area for maintenance, repair or replacement of the sewer facilities.

54. The portion of the sanitary sewer facilities to be installed within the geological setback zone shall be designed to reduce the risk of service interruption as the result of a geological event.

55. The proposed sanitary sewer main shall be installed a minimum of 8 feet from the face of curb and a minimum of 10 feet from the proposed water main.

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

Napa County Planning, Building and Environmental Services

57. Three parcels presently are served in individual sewage disposal systems. The existing structures must be demolished and/or connected to the Napa Sanitation District prior to any clearing, grubbing or grading on any parcel. Until such time, the septic system must be protected from damage. Upon connection of the structures to Napa Sanitation District, or demolition of the structure, the existing septic tank must be properly destroyed under permit from the Napa Sanitation District.

58. The proposed parcels must be connected to the City of Napa water system.

59. If any wells are destroyed, a well destruction permit must be obtained by a licensed well driller, from Napa County Environmental Services.

City General Conditions

60. 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.

61. Unless otherwise specifically provided, each condition of this approval shall be satisfied prior to issuance of a Building Permit, or if a Building Permit is not required, prior to the commencement of use; however, in the event the subject approval is for a tentative subdivision map or parcel map, each condition shall be satisfied prior to final map approval. Applicant's (and landowner's, if different) execution of a City improvement agreement with required security may be accepted in lieu of condition completion.

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62. No use authorized by this permit may commence until after the Applicant executes any and all required permit agreements.

63. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (amounts of payments shall be in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements; it is the applicant's responsibility to confirm the amounts of and timing for all required fee payments).

64. Applicant shall design and construct all improvements and facilities shown on any approved Tentative Map, site plan, plans and specifications, and other documents 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, and the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved Tentative Map, site plan, plans and specifications, and other documents approved by City.

65. 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.

66. 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, 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 for 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.

67. 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.

68. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest

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complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.

69. Violation of any term, condition, mitigation measure or project description relating to these approvals is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of any one or all of these approvals and/or the institution of civil and/or criminal enforcement and/or abatement proceedings. The requirements and revocation procedures for these approvals are set forth in Titles 16 and 17 of the Napa Municipal Code.

70. 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.

71. These conditions of approval refer to and rely on various provisions of the City of Napa Municipal Code (NMC). It is the responsibility of the Applicant to review and understand all applicable requirements and provisions of the NMC. A copy of the NMC is available for review at the office of the City Clerk, and the entire NMC is available for review on and printing from the City of Napa website (cityofnapa.org).

72. The Planning Manager is authorized to determine whether the Applicant is in compliance with the conditions and requirements of these approvals.

73. All construction and construction-related activities shall comply with the requirements of NMC Section 8.08.025.

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

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 19th day of June 2018, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST: _____

Dorothy Roberts
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney