

RESOLUTION R2024-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN REVIEW PERMIT AND A USE PERMIT TO AUTHORIZE CONSTRUCTION OF A 123-ROOM HOTEL CONSISTING OF TWO FOUR-STORY BUILDINGS, WHICH INCLUDES ANCILLARY HOTEL GUEST AND PUBLIC-SERVING USES, AND BELOW-GRADE PARKING AT 730 WATER STREET, AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on November 17, 2020, the City Council adopted (1) Resolution No. R2020-134 approving a use permit, design review permit and alternative equivalent for a 74-room hotel consisting of two four-story buildings, including 6,294 square feet of ground floor retail and ancillary hotel guest and public-serving uses, and below-grade parking for the property located at 730 Water Street (APNs: 003-235-002, -003, -004, -005, -006, -007 and 003-241-003, -005, -006) (“Site”) and determining that the actions authorized by the resolution were adequately analyzed by a prior CEQA action, as documented in the 2020 Addendum prepared for the project; (2) Resolution No. R2020-135 approving a certificate of appropriateness pursuant to NMC Chapter 15.52 for the relocation of two local landmark structures at 731 First Street and 718 Water Street to 58 Randolph Street (“Certificate of Appropriateness”) and determining that the actions authorized by the resolution were adequately analyzed by a previous CEQA action or are otherwise exempt from CEQA; and (3) Resolution No. R2020-137 authorizing the conditional abandonment of portions of Water Street in support of the hotel project (collectively, “2020 Entitlements”); and

WHEREAS, on December 2, 2022, Stratus Development Partners, LLC (the “Applicant”), submitted an application (File No. PL22-0137) for a Design Review Permit pursuant to Napa Municipal Code (“NMC”) Chapter 17.62 (“Design Review Permit”) and Use Permit pursuant to NMC Chapter 17.60 (“Use Permit”) for a 123-room hotel consisting of two four-story buildings totaling approximately 151,224 square feet, including 3,375 square feet of meeting/conference space, ancillary hotel guest and public-serving uses, and 154 below-grade parking spaces on the Site, which if approved, would supersede the 2020 Entitlements except for the Certificate of Appropriateness, which would remain in effect (collectively, the “Project”); and

WHEREAS, on August 31, 2022, City staff approved an administrative two-year extension of the 2020 Entitlements until November 17, 2024; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 1, 2023, on the Design Review Permit and Use Permit, and has recommended approval of the subject application; and

# ATTACHMENT 1

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

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

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

Section 2. The City Council hereby determines that, as documented in the January 21, 2024, Memorandum prepared by David J. Powers & Associates for the Project, on behalf of the City and attached to the Staff Report as Attachment 16 ("2024 Addendum"), the Project falls within the scope of the Downtown Napa Specific Plan Program (DNSP) Final Environmental Impact Report (DNSP FEIR) certified by the City Council on May 1, 2012 (SCH #2010042043), as documented in the 2020 Addendum prepared for the 2020 Entitlements and the January 2024 Addendum prepared for the Project and on file with the City Clerk, and no further environmental review is required under CEQA pursuant to CEQA Guidelines Sections 15162, 15164 and 15168 as documented in the 2024 Memorandum prepared for the Project.

Section 3. The City Council hereby approves the Design Review Permit for the Project as defined on the application plans prepared by Cadiz Collaboration and RSA+ date stamped January 18, 2024, and September 15, 2023, respectively (collectively, "Application Plans"), and submitted as a part of the subject application and makes the following findings in support of the approval:

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

The proposed Project, associated improvements, and tourist-oriented use as amended are consistent with the Oxbow Commercial General Plan designation under the Napa 2040 General Plan, which defers to the DNSP Downtown II Building Form Overlay. The DNSP allows for a maximum FAR of 4.0 and this Project provides a FAR of approximately 3.90 which is below the DNSP maximum FAR. Likewise, the Project meets the DNSP Design Guidelines in that it employs four-sided architecture and includes measures to create an active pedestrian street frontage. Accordingly, the Project aligns with the design policies set forth in the General Plan and DNSP.

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

## ATTACHMENT 1

The Project is subject to the DNSP Design Guidelines. The proposed Project's design, site layout and architecture are consistent with the goals, policies and recommendations outlined in the Design Guidelines. The Project design employs four-sided architecture and employs thoughtful landscaping and sustainability measures. The design will exhibit a contemporary interpretation of the traditional "small block, small lot" development pattern in Downtown Napa. The new building would employ articulation in walls and roofing while using a contemporary style with natural materials that would provide variety in First Street architecture. The design elements meet the DNSP Design Guidelines.

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

The Design Review permit is consistent with NMC Title 17 (Zoning Ordinance), and the development standards of the DNSP "Downtown II" District. As conditioned, the proposed Project would not result in any significant impacts. The hotel and its tourist-oriented uses have been appropriately conditioned to minimize any potential impacts to the surrounding neighborhood and therefore would 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 Use Permit for the Project as defined on the plans submitted as a part of the subject application and makes the following findings in support of the approval:

- A. *The proposed use 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 Project would align with the goals of the Oxbow Commercial (OBC) land use designation of the Napa 2040 General Plan as well as the goals and standards of the Downtown Napa Specific Plan (DNSP). In particular, the hotel makes efficient use of the underutilized site between the central part of First Street and the Oxbow Public Market. It proposes lodging facilities at a conveniently accessed site and would continue development of the pedestrian/bike trail network along the Napa River by connecting First Street down to Water Street, which would allow for the future buildout of a river adjacent trail and future pedestrian bridge. This would be consistent with Policies LUCD 13-1, 18-6, and ED 6-1.

The Project would further be consistent with the DNSP in that the proposed design would feature a human-scale, pedestrian-friendly environment that is inviting to residents and visitors. The Project would place priority on high-quality design and developing unique structures that complement their

## ATTACHMENT 1

surroundings, orienting buildings and entrances to streets and public gathering places. The design of the new building would be complementary to the existing mix of buildings in the DNSP area, being a tall, contemporary building with an active street front like other new downtown Napa hotels built on First Street next to prewar commercial buildings. The design would meet the Guidelines of the DNSP and would meet the development standards prescribed by the "Downtown II" Building Form Overlay. Accordingly, the Project would further the objectives and policies of the General Plan and would not inhibit attainment of any goals or objectives outlined in the General Plan or the DNSP.

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

The Project application has been circulated to relevant departments and agencies and their comments and special conditions have been incorporated to ensure the Project will not pose a nuisance to the community. The Public Works Department has determined that the improvements have been designed consistent with both the existing City Floodplain Management regulations and standards, and with Federal floodplain criteria. The proposed access points have been reviewed, modified, and designed to minimize traffic conflicts, thereby rendering safe vehicular and pedestrian movements. Historically, portions of the Site had been occupied by various uses including a foundry, machine shop and a dry-cleaning business. Although subsurface investigations conducted with the Phase 1 ESA determined lead levels below the commercial/ industrial land use ESL thresholds, the Project has been conditioned to prepare a Soils Management Plan, Health and Safety Plan and a Human Health Risk Assessment Plan to Construction Workers to ensure contaminants of concern do not pose human health risks to future construction and utility workers and the public. As conditioned, the Project will not cause negative impacts to the neighborhood nor result in impacts that would be detrimental to the public health, safety, or welfare. Hospitality and visitor accommodation uses already function proximate to the Site.

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

Hotels may be established by a Use Permit in the OBC Zoning District. The proposed hotel has been reviewed for compliance with the DNSP "Downtown II" development standards and has been found to be compliant with these standards. With City Council approval of a Use Permit as conditioned, the proposed use will be in compliance with the provisions of Chapters 17.10 and 17.60 of the Zoning Ordinance.

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

## ATTACHMENT 1

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

Section 5. The City Council hereby approves the removal of one (1) Coast Live Oak tree that is classified as a Protected Native Tree pursuant to NMC Chapter 12.45 and makes the following finding in NMC Section 12.45.090(B)(2)(d) in support thereof:

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

Section 6. The City Council's approval of the Design Review Permit and Use Permit is subject to the following conditions:

### COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. This Design Review Permit and Use Permit authorizes the construction and operation of a 123-room hotel consisting of two four-story buildings totaling approximately 151,224 square feet, including 3,375 square feet of meeting/conference space, ancillary hotel guest and public-serving uses, and 154 below-grade parking spaces. The plans submitted for building permits shall conform substantially to the plans and representations submitted with the application plans prepared by Cadiz Collaboration and RSA+ date stamped January 18, 2024, and September 15, 2023, and as reviewed and approved by the City Council, and as amended by these conditions of approval.
2. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements and conditions of the Design Review Permit and Use Permit.
3. Any work that necessitates plans to be submitted for building permits or improvement plans shall conform substantially to the Application Plans, and these conditions of approval.
4. Any modifications to the approved hotel building elevations shall require approval of a subsequent Design Review Permit by the Planning Commission and City Council.
5. All project conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of Building Permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
6. The subsequent conditions referring to "Parcel 1" and "Parcel 2" shall refer to parcels described in the civil plans prepared by RSA+ date stamped September 15, 2023. "Parcel 1" consists of APNs 003-235-002, -003, -004, -005, -006, and -007. "Parcel 2" consists of 003-241-003, -005, and -006.

## ATTACHMENT 1

7. The Applicant shall replace or pay for the removal of on-site protected native tree(s). For each six inches or fraction thereof of the protected native tree, two trees of the same species as the protected tree shall be planted on site. Per NMC Section 12.45.100, the Applicant shall plant replacement trees on the Site or pay an in-lieu fee.
  - a. Prior to the issuance of a certificate of occupancy, the Applicant shall replace the protected native trees on-site; or
  - b. Prior to the issuance of a building permit, the Applicant shall pay the in-lieu fee; or
  - c. The Applicant may satisfy the requirements of NMC Chapter 12.45 through a combination of replacement and the in-lieu fee.
8. The Applicant's valet operations shall operate consistent with the formal parking plan prepared by Brand Enhance Parking & Hospitality date stamped March 18, 2024. The Applicant shall not permit valet queuing to occur in the First Street travel lane.
9. Prior to issuance of any demolition permit, grading permit, site improvement permit, or building permit for the Site, the Applicant must obtain a building permit for the relocation of the Local Landmark structures at 731 First Street and 718 Water Street to 58 Randolph Street.
10. Prior to issuance of a Certificate of Occupancy for either hotel building on the Site, the Applicant must obtain Certificates of Occupancy for both Local Landmark structures at 58 Randolph Street.
11. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.
12. The plans submitted for Building Permit 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.
13. A detailed landscaping and irrigation plan shall be reviewed and approved by the Community Development Director prior to issuance of a Building Permit. All landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.
  - a. The Applicant shall ensure that all landscaping shall be maintained in a healthy, weed-free condition. Removal or alteration of the landscaping, including patio planters and plant materials, and trees and plant materials installed in the centered

## ATTACHMENT 1

atriums of both the west and east Project buildings, without the written approval of the Planning Manager, is prohibited.

14. 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.
15. The Lot Merger as delineated on Sheet DR1 of the project plans prepared by RSA+, dated September 15, 2023, shall be recorded prior to issuance of a building permit.
16. The abandonment of portions of the Water Street right-of-way as delineated on Sheet DR1 of the project plans prepared by RSA+, dated September 15, 2023, shall be completed consistent with the requirements in the Water Street Conditional Abandonment Resolution.
17. Prior to issuance of a building permit for construction of the Project, the Applicant shall comply with the requirements of NMC Chapter 15.108 by paying the fee or installing public art on the Site in a public place. If the Applicant elects to install public art on the Site, it shall be subject to prior review and approval by the City Council in accordance with NMC Chapter 15.108.
18. All windows and glass proposed for the exterior of the building shall be non-reflective glass.
19. Prior to the issuance of grading permits, the Applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the Project would achieve a fleet-wide average 84-percent reduction in DPM exhaust emissions or greater. The plan shall be reviewed and approved by the Planning Manager. One feasible plan to achieve this reduction would include the following:

All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines and this equipment shall include CARB-certified Level 3 Diesel Particulate Filters or equivalent. Additionally, equipment that meets U.S. EPA Tier 4 interim standards or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.
20. The Applicant shall comply with the following measures to reduce vibration impacts from construction activities:
  - a. Avoid impact pile driving where possible. Drilled piers or rammed aggregate piers cause lower vibration levels where geological conditions permit their use.
  - b. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.
  - c. A list of all heavy construction equipment to be used for this project and anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, tracked vehicles, vibratory compaction,

## ATTACHMENT 1

jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.

- d. If pile driving is required, notify neighbors within 500 feet of the construction site of the construction schedule and that there could be noticeable vibration levels resulting from pile driving.
  - e. If pile driving is required, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile.
  - f. If pile driving is required, jet or partially jet piles into place to minimize the number of impacts required to seat the pile.
  - g. A construction vibration monitoring plan shall be implemented to document conditions at all structures located within 50 feet of construction. If pile driving is used the construction vibration monitoring plan shall document all structures within 125 feet prior to, during, and after pile driving. The plan shall be finalized upon receipt of the final foundation design. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:
    - i. Identification of sensitivity to ground-borne vibration of nearby structures. Vibration limits should be applied to all vibration-sensitive structures located within 50 feet of any pile driving activities.
    - ii. Performance of a photo survey, elevation survey, and crack monitoring survey for each of structure of normal construction within 90 feet of pile driving activities and/or within 25 feet of other construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any pile driving activity, in regular interval during pile driving, and after completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
  - h. Conduct post-survey on structures where complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.
  - i. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
21. The Project shall be designed so as not to cause significant off-site flooding impacts as defined by NMC Chapter 17.38.



## ATTACHMENT 1

22. The Applicant shall provide a suitable form of forced-air mechanical ventilation, as determined by the Chief Building Official, for all buildings so that windows can be kept closed to control noise.
23. The Applicant shall provide sound rated windows to north, south, and west facing hotel room façades of 711 First Street to maintain interior noise levels at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC Ratings of 26 to 30 or higher would be satisfactory to achieve acceptable interior noise levels, assuming a window to wall ratio of 40 percent or less. The specific determination of what noise insulation treatments are necessary shall be conducted on a room-by-room basis during final design of the project once final building plans are available.
24. Prior to the issuance of grading permits, the Applicant shall prepare a Soil Management Plan, Health and Safety Plan, and a Human Health Risk Assessment to Construction Workers to ensure contaminants of concern do not pose human health risks to future construction and utility workers and general public. The plan shall be reviewed and approved by the Planning Manager.
25. Prior to the issuance of demolition or grading permits, the Applicant shall prepare a GHG Reduction Plan that includes the proper elements to reduce emissions from the project below 660 MT of CO<sub>2</sub>e annually. The plan shall be reviewed and approved by the Planning Manager. Elements of this plan may include, but would not be limited to, the following:
  - a. Installation of solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power;
  - b. Install efficient space and water heating systems;
  - c. Develop and implement a transportation demand management (TDM) program to further reduce mobile GHG emissions.
  - d. Construct onsite or fund off-site carbon sequestration projects (such as a forestry or wetlands projects for which inventory and reporting protocols have been adopted). If the project develops an off-site project, it must be registered with the Climate Action Reserve or otherwise approved by the BAAQMD in order to be used to offset Project emissions;
  - e. Purchase of carbon credits to offset Project annual emissions. Carbon offset credits must be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by the California Air Resources Board or BAAQMD. The preference for offset carbon credit purchases include those that can be achieved as follows: 1) within the City; 2) within the San Francisco Bay Area Air Basin; 3) within the State of California; then 4) elsewhere in the United States. Provisions of evidence of payments, and funding of an escrow-type account or endowment fund would be overseen by the City.

## ATTACHMENT 1

26. Consistent with Downtown Napa Specific Plan EIR Mitigation Measure 4.D-2a, an archaeological literature search was completed and found the project site is highly sensitive for archaeological resources. A program of subsurface exploration to sample the historically sensitive areas and the deeper native soils that could contain remnant archaeological resources shall be completed by a qualified archaeologist immediately following building demolition and prior to Project grading. In the event archaeological materials are discovered, the resources will be assessed consistent with Downtown Napa Specific Plan EIR Mitigation Measure Mitigation Measure 4.D-2b.
27. In consultation with the Yocha Dehe Wintun Nation (“Nation”), the Applicant shall:
  - a. Have a monitor, approved by the Nation tribe, present during all grading and other earthwork activities;
  - b. Ensure that all workers will receive training or briefing from the Nation tribe prior to initiating work.
28. Prior to the approval of improvement plans, the Project Applicant shall pay its fair share of water system improvements to the City of Napa.
29. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start-up of machines or equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials or equipment prior to 7:30 a.m. or equipment past 6:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.
30. The Applicant shall obtain a sign permit for all Project signage in accordance with NMC Section 17.55.120.
31. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District, Napa County Environmental Health, and Napa County Flood Control and Water Conservation District (NCFCWCD) confirming that the Applicant has complied with all Napa Sanitation District, Napa County Environmental Health, and NCFCWCD requirements applicable to the Project.
32. The Applicant shall comply with all mitigation measures from the Downtown Napa Specific Plan Environmental Impact Report Mitigation Monitoring and Reporting Program attached hereto as Exhibit “A” and incorporated herein by reference that are applicable to this Project as determined by the Planning Manager or their designee.

**FIRE DEPARTMENT – FIRE PREVENTION DIVISION**

33. The Project shall comply with all applicable provisions of NMC Chapter 15.04.
34. 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.

**PUBLIC WORKS DEPARTMENT**

35. Prior to issuance of a building permit, the Applicant shall obtain a transportation permit from the City of Napa Public Works Department to transport the historic structures at 718 Water Street and 731 First Street to 58 Randolph Street.
36. Approval of this Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the NMC, the City of Napa Standard Specifications and Standard Plans (dated January 2022), including any supplemental updates thereto, and the City’s “Post-Construction Storm Water Pollution Prevention Design Standards”.
37. The Applicant shall construct all on and offsite improvements in accordance with improvement plans and supporting calculations that are prepared by a registered civil engineer and reviewed and approved by the City Engineer or their designee. The improvement plans shall be prepared in conformance with the plans prepared by Cadiz Collaboration dated January 18, 2024, and RSA+ Civil Drawings dated September 15, 2023, as modified herein by these Conditions of Approval. The improvement plans and supporting calculations shall include detailed designs for all utilities, water, grading, drainage, erosion control, stormwater, paving, and striping. The Improvement Plans and calculations must be approved by the City Engineer prior to the issuance of the Building Permit.
38. The improvement plans shall be prepared in accordance with (and submittals shall be accompanied by) the “Initial Submittal Checklist” and the “Improvement Plan Checklist”. The checklists are available on the City of Napa Website ([www.cityofnapa.org](http://www.cityofnapa.org)) under the Public Works Department Development Engineering Division Forms and Handouts menu.
39. The Applicant shall pay a \$5,000 initial cash deposit for city plan check services with the submittal of improvement plans.
40. IMPROVEMENT PLANS – The following items shall be shown on the improvement plans prior to approval of the plans:
  - a. First Street:
    - (i) First Street shall be signed for no parking using the CA “No Parking and Bike Lane” signs.

## ATTACHMENT 1

- (ii) The Project's parking garage driveway on First Street (Parcel 1) shall be designed for right-in/right-out turning movements only. The Applicant shall construct transportation design features to prohibit left-turn movements at this location. These features may include but are not limited to signage or hard center median and are subject to the prior review and approval of the Public Works Director.
- (iii) Applicant shall design and reconstruct all the frontage improvements (curb, gutter, sidewalk, streetlights, street trees, signage, etc.) along the entire Project frontage of both Parcel 1 and Parcel 2. Sidewalk shall be a minimum of 10-feet wide except where the parking bulb-in is allowed, and a portion of the sidewalk will be located on private property (on-site public access easement will be required) to accommodate the minimum 10-foot width. Frontage improvements shall match the finishes of the existing improvements and shall conform to the adjacent street improvements.
- (iv) The existing driveway approach serving Parcel 2 shall be removed and replaced with standard curb, gutter and sidewalk. New curb, gutter, and sidewalk finishes shall match those of the surrounding area and shall conform to the adjacent street improvements.
- (v) Applicant shall replace all the existing street signs along the Project frontage.
- (vi) Applicant shall restripe between Soscol Avenue and McKinstry Street and restriping shall include an eastbound bike lane, an eastbound vehicular travel lane, a westbound vehicular travel lane, and a westbound bike lane. Additionally, restriping on First Street shall include center line striping, railroad markings, bike lane transitions, as well as, one left-turn lane and one shared through/right lane at the westbound approach to the Soscol Avenue/First Street intersection. Final striping layout design is subject to the prior review and approval of the Public Works Director.
- (vii) The four (4) on-street parking spaces located in the parking bulb-in on First Street adjacent to the north property line of Parcel 2 shall be marked and signed for passenger loading only.
- (viii) The parking garage driveway on First Street shall be designed to comply with the vision triangle requirements specified in City of Napa Public Works Standard Specification Drawing S-25 unless a design exception request letter is submitted and additional safety enhancements (signage, etc.) are included at the driveway approach. A Design exception request is subject to the review and approval of the Public Works Director.
- (ix) Applicant shall construct a public path between First Street and Water Street adjacent to Parcel 2 and the railroad tracks that extends along the south side of Water Street to the easterly side of APN 003-242-001. The path shall provide for a minimum of 12-feet clear space or the minimum width required by the Napa County Flood Control and Water Conservation District for maintenance access.

## ATTACHMENT 1

- b. McKinstry/Water Streets Intersection:
- (i) Applicant shall modify the existing intersection at Water Street and McKinstry Street to accommodate the privatization of a portion of Water Street in substantial conformance with the Application Plans. These improvements shall consist of, but are not limited to, ADA accessibility from the northwest corner of the intersection south to the sidewalk on Water Street, a commercial driveway in accordance with subsection (ii) below and a 10-foot-wide stamped concrete band to distinguish the private street from City of Napa Right of Way.
  - (ii) The private street connection of Water Street to the public McKinstry Street shall be constructed per City of Napa Public Works Standard Drawing S-5B (Standard Driveway Approach – with curb ramps).
  - (iii) Applicant shall construct ADA curb ramps at the northwest and southwest corners of Water Street and McKinstry Street intersection.
  - (iv) Applicant shall install stop control on the Eastbound direction approach of the abandoned Water Street and McKinstry Street intersection. Stop control shall include Stop Signs (R1-1), stop legend markings, and stop bar markings per CA MUTCD.
  - (v) Applicant shall construct an ADA accessible sidewalk connection along the south side of Water Street that connects McKinstry Street to the public pathway adjacent to the railroad tracks and Parcel 2. The Applicant shall grant the City a public access easement for the entirety of this sidewalk, which shall be submitted for review and approval by the Public Works Director as to substance and the City Attorney as to form prior to approving the Improvement Plans.
- c. Applicant shall prepare an exhibit showing all the easements that are going to be abandoned and reserved as part of the abandonment of the existing Water Street. The Applicant shall show on the Improvement Plans the reserved easements and any new easements required to construct the Project.
- d. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the City of Napa Standard Specifications and Standard Plans on the Project's public street frontage. Street improvements shall include curbs, gutter, standard sidewalk, street paving, streetlights, street type driveway approaches, drainage facilities, and street trees. Final design and location of public frontage improvements shall be subject to the approval of the Public Works Director.
- e. Any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City prior to improvement plan approval.
- f. The Applicant shall install red curbs within 20 feet of the curb return at street intersections.

## ATTACHMENT 1

- g. All existing pedestrian ramps and driveway approaches on First Street between Soscol Avenue and McKinstry Street and on McKinstry Street between First Street and Water Street that do not meet current ADA and City Public Works Standards shall be removed and replaced with ramps conforming to the current ADA and City Public Works Standards.
- h. The existing driveway approaches, which will no longer be used to access the Site, shall be removed and replaced with standard curb, gutter, and sidewalk.
- i. All public street(s) pavement structural sections shall be installed per Table 3.1, "Street Design Criteria," of the City of Napa Standard Specifications and Standard Plans or per the project's geotechnical report(s) recommendations, whichever is larger. First Street's functional classification is an arterial.
- j. To maintain adequate sight visibility at public street access and street corners, the Applicant shall comply with City of Napa Public Works Standard Specification Drawing S-25. The sight distance and visibility triangle lines shall be shown on the grading and drainage plans. The visibility height limits are measured from the top of curb of the fronting street to the top elevation of the obstruction.
- k. The Applicant shall provide an accessible route of travel from the fronting sidewalk to the buildings. The Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits, and access to normal paths of travel, and where necessary to provide access, shall incorporate pedestrian ramps, curb ramps, etc. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities and the accessible entrance to the site per UBC 1127B. All proposed accessible routes of travel shall be identified on the improvement plans.
- l. The Applicant shall install bicycle parking on the Site in accordance with NMC Section 17.54.060.
- m. The Applicant shall provide truck loading in accordance with NMC Section 17.54.050. Truck turning movements (both entering and exiting the public street and loading zones) shall be provided on the Improvement Plans.
- n. The improvement plans shall include a demolition plan.
- o. The improvement plans shall include an Erosion Control Plan.
- p. The improvement plans shall include a Joint Trench Plan.
- q. The improvement plans shall include a Construction Traffic Control Plan.
- r. The improvement plans shall include a Grading and Drainage Plan.
- s. The improvement plans shall include a Utility Plan showing all the existing and proposed utilities including overhead and underground utilities.

## ATTACHMENT 1

- t. The improvement plans shall include all the existing easements (utilities, slopes, Napa County Flood Control, drainage, etc.).
- u. The Improvement Plans shall include a Public Street Repair Plan (showing the repair details and limits of repair) for all improvement installations that will result in the cutting, demolition, destruction, etc. of any existing improvements within the public right of way including but not limited to the installation of curb, gutter, sidewalk, and utilities (water, sanitary sewer, storm drain, electrical, cable TV, telephone, etc.). This plan shall be updated during the construction process as necessary to reflect any unanticipated street repairs. Associated with said plan are the following requirements:
  - (i) The plans show multiple dry and wet utility connections within the City of Napa right-of-way along First Street that will require deep trenches (based on Napa County Flood Control as built information) and extensive street restoration. The Applicant shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations. The resurfacing shall be consistent with the Pavement Restoration Table (Table 3.3, CON Standard Specifications and Standards, January 2022). The Applicant shall also provide digouts and reconstruction of any potholed and/or alligatored areas. Installation of street paving by the Applicant shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed and approved by the City Engineer as part of the construction plan review.
  - (ii) The Applicant shall repair all pavement, curb, gutter and sidewalks that are damaged by the construction process (even if these are in adjacent properties frontage) in accordance with the Public Works Department Standard Specifications and Standard Plans.
  - (iii) Any unanticipated street cuts or other street repair items that become evident following improvement plan approval shall be included by way of revisions to the Street Repair Plan.
- v. For trenching within existing roadway areas, the Applicant's engineer shall pothole or otherwise physically determine the actual horizontal location and vertical depth of all underground utility systems throughout the proposed area of work and at all utility connection points. The Applicant shall provide, with the first improvement plan submittal, all the pothole information and the design of all new utility installations required to serve the Project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.
- w. The Applicant shall underground all new utilities to serve the Project from the existing point of connection to the Project. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the Project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or

## ATTACHMENT 1

extensions. The Applicant shall relocate or underground any overhead utilities that conflict with the new improvements.

- x. The proposed stairs and appurtenant railing between the public street sidewalk and landing along the north side of the building in Parcel 2 shall not encroach into the public street right-of-way.
41. ON-SITE ACCESS AND CIRCULATION - The following items related to on-site access and circulation shall be shown on the improvement plans prior to approval of the plans:
- a. Curb, gutter, curb adjacent sidewalk, street paving, ADA curb ramps, and drainage facilities shall be installed along the private Water Street frontage.
  - b. All curb frontage intended for no parking shall be painted red and posted with signs (R26F - No Stopping Fire Lane).
  - c. The Applicant shall pave all required onsite parking areas and drive aisles thereto in conformance with the minimum City of Napa standard structural section standard (equivalent to a minimum 3 inches of Asphalt Concrete over 10 inches of Class II aggregate Base material) and the Project's geotechnical reports recommendations, whichever is larger.
  - d. The private Water Street shall be clearly distinguishable from the public street. To accomplish this, a 10-foot-wide decorative stamped concrete strip shall be installed on the private street along the right of way line at the McKinstry/Water Street intersection entrance.
42. DRAINAGE AND GRADING - The following items related to grading and drainage shall be shown on the improvement plans prior to approval of the plans:
- a. All existing storm drains, drainage inlets, storm drain manholes, etc. shall be shown in the plans along with all the relevant information describing each item such as inverts, sizes, slopes, etc.
  - b. The Applicant shall submit storm drain system design calculations that are prepared by a registered civil engineer for review and approval by the City Engineer or their designee. Storm drain system design flows shall be calculated based on the requirements listed in the City of Napa Public Works Department Standard Specification and Standard Plans. The Calculations shall include a drainage basin map showing basin limits and area in acres, hydrology, and system hydraulic calculations, pipe size calculations, inlet capacity calculations, stormwater quality treatment and other information necessary to support the proposed design. Storm drains will be sized to carry the flows generated by the design storm per City of Napa Standards. The storm drain system calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3-feet) per second when flowing half full.



## ATTACHMENT 1

- c. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
- d. Easements (or deed restrictions requiring the reservation of easements upon property transfer) shall be established for piped, V-ditched and overland (sheet and channeled) drainage between the parcels. Drainage easements shall be provided for the drainage facilities shown on the plans in accordance with the City of Napa Public Works Department Standard Specifications and Standard Plans. Easements shall have a minimum width of 10 feet. Pipes exceeding 24-inches in diameter or deeper than 5-feet will require wider easements as required by the Public Works Director. All drainage easements must be shown on the improvement plans. Easement documents shall be reviewed and approved by the Public Works Director as to substance and the City Attorney as to form and recorded prior to occupancy.
- e. On-site detention improvements shall be incorporated into the Project storm drain system design as determined by the requirements in the chart titled, "Detention Requirements," within Section 2.10, "Detention," of the City of Napa Standard Specifications and Standard Plans. The Project shall provide on-site detention such that the post-project runoff does not exceed pre-developed flow rate for the 10-year storm event in accordance with local Floodplain Management regulations and NPDES Permit requirements. As an alternative to on-site detention, the Applicant may provide a flood study prepared by a Certified Floodplain Manager (CFM) for direct discharge into the Napa River in accordance with applicable laws subject to review and approval of the Public Works Director and the applicable regulatory agencies.
- f. Per City of Napa Standards Plans and Specifications, any storm drainpipes within the City of Napa right-of-way shall be a minimum of 18-inches in diameter.
- g. Applicant shall remove the existing drainage catch basin located at the northeast corner of Parcel 1.
- h. On plan sheet DR5, on the northeast corner of Parcel 1 the plans show a new storm drainpipe 16-feet long and 15-inches in diameter being installed from the existing Drainage Catch Basin. The Applicant shall revise the plans to remove this new pipe and direct the surface stormwater runoff to the proposed drainage catch basin located west of the existing drainage catch basin required to be removed per subsection (g) above.
- i. The EX 18" SD TO REMAIN shown on plan sheet DR5 in front of Parcel 1 shall be removed and a new 18-inch RCP pipe shall be installed from the existing SDMH to the proposed drainage CB.
- j. The EX 15" SD shown on plan sheet DR5 in front of Parcel 1 between the proposed REMOVE EX CB and the new proposed drainage CB shall be removed unless approved by the Public Works Director in writing to be abandoned in place.

## ATTACHMENT 1

- k. Any EX SD TO BE ABANDONED shown on plan sheet DR5 shall be removed unless approved by the Public Works Director in writing to be abandoned in place.
- l. The plans show proposed storm drain lines for both Parcel 1 and Parcel 2 connecting to existing storm drain lines and existing 12" storm drain outfalls. Connection to these pipes is subject to documentation provided by the Applicant in a form acceptable to the Public Works Director demonstrating to the satisfaction of the Public Works Director that the existing pipe is in good and serviceable condition with no holes, cracks or joint displacement. If the Public Works Director determines that the pipes are in poor condition, has holes or is not in serviceable condition, the pipe shall be replaced with an 18" RCP. If any work is to be performed at the outfall or if the outfall needs to be replaced, the Applicant shall obtain all the required regulatory agency permits (Regional Water Quality Control Board, USACE permits, etc.), needed to complete the work prior to commencement of the work.
- m. Lot grading and drainage system improvements shall be installed by the Applicant as part of the improvements. Constructed lot pad elevations shall not deviate more than 0.5 feet from the pad elevations shown on the Improvement Plans.
- n. The grading plans provided by the Applicant for review shall include the existing topography shown with contour line labeled at one-foot intervals and extending a minimum of 100-feet beyond the limits of the Site, or a sufficient distance to indicate impacts on adjacent properties.
- o. The grading and drainage plan shall include a design that allows for a 100-year overland release with all finish floor and garage slab elevations a minimum of one foot above the 100-year overland release elevation.
- p. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.
- q. Any retaining walls which are greater than one foot in height, which are adjacent to a property line, shall be masonry or concrete. Wood retaining walls shall not be installed adjacent to property lines.
- r. All new parcels shall be graded to drain independently from adjoining parcels. If surface drainage is currently passing from adjoining properties onto the Site, the grading plan for the Project shall be designed to continue to accept such drainage and easements shall be established to allow such drainage patterns to continue. All surface drainage must be collected and conveyed to a public street, storm drain or approved outfall.
- s. Applicant shall follow and comply with NMC Chapter 8.36 Stormwater Quality Ordinance.
- t. The Applicant shall provide an Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Public Works Department Development Engineering Division for review and approval by the

## ATTACHMENT 1

Public Works Director with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.

- u. The roof drainage and downspouts from the building shall not be allowed to discharge into the adjacent properties, and the gutter downspouts and drainage need to be directed away from the adjacent property lines.
  - v. The drainage from the parking pits shall not be allowed to discharge into the storm drain system. Parking pit drainage shall be discharged into the sanitary sewer system.
43. CONSTRUCTION WATER QUALITY MEASURES – In accordance with the NPDES Construction General Permit, the property owner shall insure that the Applicant and the contractor incorporate storm water quality Best Management Practices (BMP's) into the Project construction process.

- a. **Project > 1 acre of disturbance:** Provide an Erosion and Sediment Control Plan (ESCP) and 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](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/574/Stormwater-Quality>

- (i) The construction BMPs shall be shown on the project Erosion and Sediment Control Plan (ESCP).
- (ii) 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.
- (iii) 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.
- (iv) 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.

## ATTACHMENT 1

44. POST CONSTRUCTION WATER QUALITY MEASURES - In accordance with the City of Napa, "BASMAA Post-Construction Manual prepared by the Bay Area Stormwater Management Agencies Associated (BASMAA) Phase II Committee, dated July 14, 2014" the Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality. [http://www.cityofnapa.org/574/Stormwater-Quality Under "Documents"](http://www.cityofnapa.org/574/Stormwater-Quality-Under-Documents)
- a. The post-construction BMPs shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).
  - b. All designated projects – The Applicant shall prepare and submit a SCP per "BASMAA Post-Construction Manual, dated July 14, 2014," standards and an Erosion and Sediment Control Plan.
  - c. The Landscape plans shall be submitted for review and approval to the Planning Manager or their designee with the submittal of the Improvement Plans. Landscape Plans shall illustrate all LID post construction measures and include the required plant species as specified in the BASMAA Post-Construction Manual.
  - d. The post construction BMP measures shall be installed by the Applicant and designed and sized by a registered civil engineer in accordance with the City's adopted BASMAA Post-Construction Manual and an accepted design method such as that which is outlined in the "California Storm Water Quality Association BMP (CASQA-BMP) Handbook". The design and calculations are to be reviewed and approved by the Public Works Director.
  - e. The Project post-construction BMPs shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control Standards, BASMAA Post-Construction Manual and accepted design review Stormwater Control Plan prepared by RSA+ dated 3-12-2020.
    - (i) Low Impact Development (LID), Bio-retention areas, underground treatment systems, and all other treatment based BMP systems are to be sized in accordance with calculations that conform to the City's BASMAA Post-Construction Manual dated July 14, 2014 and the State MS4 General Permit E.12 provisions and are to be reviewed and approved by the Public Works Director.
    - (ii) The Applicant shall install full trash capture device(s) in accordance with the State Water Boards Trash Provisions Water Code section 13383. Full trash capture systems shall be designed to
      - (a) Trap all particles 5mm or greater
      - (b) Be sized to treat the 1-year, 1-hour storm event
      - (c) Device(s) shall be chosen from State Water Board list of certified devices.

## ATTACHMENT 1

- (d) Device(s) shall be maintained at a frequency that ensures captured trash does not reduce device efficiency or create flooding, a minimum of once annually.
- (iii) The property owner shall enter into a long-term maintenance agreement with the City of Napa approved both as to form and substance by the City Attorney and City Engineer, respectively, for long term maintenance, financing and monitoring for the post construction storm water best management practices that are incorporated as part of the project and as called out in the Approved Stormwater Control Plan.
- (a) The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
  - (b) The agreement shall be recorded prior to approval of the Improvement Plans. The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Napa shall either be a signatory to the agreement or a third-party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney's fees for legal counsel to enforce such obligations.
  - (c) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
  - (d) Appropriate easements or other arrangements satisfactory to the City Engineer as to substance and the City Attorney as to form necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.
  - (e) All development projects must be planned, designed and constructed consistent with the post construction 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.

## ATTACHMENT 1

- (f) The owner of the real property shall provide a written document, deed, agreement or similar writing acceptable to the Public Works Director, obligating the project proponent, their successors in control of the project and successors in fee title to the underlying real property (or premises), to assume responsibility for the operation and maintenance of all installed treatment systems and hydromodification controls, if any, for the project.
  - (g) The owner or operator of any installed treatment system or hydromodification control shall provide the Public Works Director with information and physical access necessary to assess compliance with this chapter, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council.
45. MISCELLANEOUS - The following items shall be shown on the improvement plans prior to approval of the improvement plans:
- a. The Applicant shall connect the Project to the Napa Sanitation District for sanitary sewer service. Sewer services shall be shown on the improvement plans and shall be installed in accordance with Napa Sanitation District standards and reviewed and approved by the Napa Sanitation District.
  - b. The Site is located in parcels that are within a Special Flood Hazard Area "Zone AE" as designated on the Flood Insurance Rate Map (FIRM), 06055C0516F effective September 29, 2010, and revised per LOMR16-09-1316P effective 1/22/2019 and it is also subject to the requirements of the NMC Chapter 17.38 Floodplain including:
    - (i) A note shall be included in the plans stating that "This project is located in a Special Flood Hazard Area "Zone AE" as designated on the Flood Insurance Rate Map (FIRM), 06055C0516F effective September 29, 2010, and revised per LOMR16-09-1316P effective January 22, 2019.
    - (ii) The Project site plans shall show the floodplain limits and indicate the Base Flood Elevation (BFE) of the Floodplain as delineated in the current FEMA FIS and FIRM prepared for the City of Napa. All elevations should be based on NAD88 datum and shall be noted on the Improvement Plans.
    - (iii) All new construction or substantial improvements shall be floodproof to a minimum of one foot above the BFE per FEMA Technical Bulletin 7-93 and shall be noted on the Improvement Plans.
    - (iv) Indicate on the Improvement Plans water resistant materials for all construction below BFE plus one foot per FEMA Technical Bulletin 2-93.
    - (v) All new and replaced service facilities such as electrical, heating, ventilation, plumbing and air conditioning, sanitary sewage systems, and other service

## ATTACHMENT 1

- facilities shall be located a minimum of one-foot above BFE or designed to be flood proofed/watertight to one-foot above BFE as per FEMA Technical Bulletin 3-93. Improvement Plans shall provide details on how utilities will comply with this requirement.
- (vi) Elevator and elevator equipment shall be designed and installed per the latest FEMA NFIP Technical Bulletin "Elevator Installation" guidelines.
  - (vii) Provide a letter prepared by a Licensed Surveyor (or Civil Engineer authorized to perform surveying by the State) verifying the correct elevation of the lowest floor relative to the FEMA identified Base Flood Elevation. All referenced elevations shall be based on NAD88 datum, and the current FEMA FIS and FIRM prepared for the City of Napa.
  - (viii) The Applicant shall either floodproof the buildings or the lowest floor, including basement, shall be elevated to at least one foot above the base flood elevation. Any proposed floodproofing shall be reviewed and approved by the Building Official or their designee, and the City Engineer or their designee, prior to improvement plan approval.
  - (ix) All new and existing sanitary sewer manholes that are within the floodplain limits shall be floodproof.
  - (x) Prior to issuance of a building permit, the Applicant shall submit a floodproofing certificate for the design of the Project. A floodproofing certificate can be obtained from the FEMA website at <https://www.fema.gov/media-library/assets/documents/2748>. Prior to issuance of a Certificate of Occupancy, the Applicant shall obtain certification of the Floodproofing Certificate, and the Applicant shall provide an elevation certificate for the finished construction .
  - (xi) The Applicant shall comply with the provisions of the NMC Section 17.52.300 which require verification that the development of parcels identified for construction of the Napa River Flood Reduction Project (NRFRP) do not hamper or impede the construction of a component of the NRFRP.
- c. As designed and shown on the RSA+ plans, the Project impacts several adjacent properties. The Applicant shall provide details for each property describing how their existing improvements (fences, retaining walls, concrete curb, concrete gutter, DIs, etc.) are going to be impacted and how those impacts are mitigated.
  - d. Any projections of building appurtenances into public easements, such as building structure, trellis, canopies, awnings shall require approval of the Public Works Director and/or the Community Development Director prior to improvement plan approval pursuant to NMC Section 17.52.370.
  - e. The Applicant shall install all new utilities required to serve the Project underground including but not limited to water, sewer, electricity, gas, telecommunications, etc.

## ATTACHMENT 1

- f. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the Project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The Applicant shall relocate and underground any overhead utilities that conflict with the new improvements.
46. Prior to approval of Improvement Plans, the Applicant shall submit documentation to the Public Works Development Engineering Division for review and approval by the Public Works Director that indicates that the following items have been addressed:
- a. The Applicant shall submit all required water connection fees to the Public Works Department - Development Engineering Division at 1600 First Street, Napa CA. 94559.
  - b. The Applicant shall pay off all current account balances based on the rate in effect at the time of the permit issuance.
  - c. The Applicant shall apply for and complete the lot merger processes between the properties encumbered by this Project for both Parcel 1 and Parcel 2.
    - (i) Furnish proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
  - d. The Applicant shall pay a \$5,000 deposit and a minimum monthly balance of \$1,500 for inspection fees for Public Improvements.
  - e. The Applicant shall obtain temporary construction easement(s) for any work performed on private property that is not owned by the applicant.
  - f. The Applicant shall grant the City a public access easement for the entirety of the public pathway in a form approved as to substance by the Public Works Director and as to form by the City Attorney prior to approving the Improvement Plans.
  - g. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the Project or to satisfy required Project mitigation measures and/or conditions prior to occupancy.
  - h. The Applicant shall execute a deed restriction for reciprocal access and maintenance agreement for all parcels, which share use of private access, drives, etc. The agreement shall be approved as to substance by the Public Works Director and approved as to form by the City Attorney and shall be recorded prior to the approval of the improvement plans.
  - i. Any modifications to any of the existing retaining walls or handrails within City of Napa right-of-way, located along the Parcel 2 frontage shall be approved by the Public Works Director.



## ATTACHMENT 1

- j. The Applicant shall comply with the conditions set forth in the Slope Easement Summary Abandonment Resolution adopted concurrently herewith approving the abandonment of a permanent slope easement that was granted to the City of Napa adjacent to the public right-of-way of Soscol Avenue and First Street as filed with the Napa County Recorder's office under document number 2005-0024974 on July 23, 2005.
  - k. The Applicant shall submit to the Public Works Department Development Engineering Division a Soils Investigation/Geotechnical Report in accordance with NMC Section 16.36.200 with the first improvement plan submittal. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to improvement plan approval. The geotechnical engineer shall also assume responsibility for inspection of the work and prior to acceptance of the work shall certify to the City that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of building plans in accordance with NMC Title 15.
  - l. The Applicant shall execute and record Conditions, Covenants, & Restrictions (CC&R) or other legal document satisfactory to the City Engineer as to substance and the City Attorney as to form to provide long-term maintenance of the Private Improvements identified above.
  - m. The Applicant shall provide written acknowledgement by the District Engineer that the design of the sanitary sewer system is approved by the Napa Sanitation District.
  - n. A State Department Fish and Game 1601 Streambed Alteration Agreement, a Regional Water Quality Control Board 401 permit, and/or a Corps of Engineer 404 permit may be required for work done on rivers, creeks, and other waterways. The Applicant shall obtain all required permits and provide copies of these agreement or permits to the Public Works Department Development Engineering Division prior to approval of the Improvement Plans.
47. Prior to commencing any activities or ground disturbing activities on-site, the Applicant shall:
- a. Submit a copy of the Notice of Intent (NOI) and have an active permit for coverage under the State Water Resources Control Board's General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2022-057-DWQ).
  - b. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
    - (i) (6) full-size bond copies of the approved Improvement Plans for the City's use.

## ATTACHMENT 1

- (ii) (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.
  - (iii) (1) job-site copy of the approved SWPPP for their use.
  - c. The Applicant shall have obtained approval of the Improvement Plans from the Public Works Director.
48. Prior to issuance of a Building Permit for the Project, the Applicant shall submit documentation to the Building Division for review and approval that indicates that the following items have been addressed:
- a. The Applicant shall furnish proof satisfactory as to substance to the City Engineer and in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the Project or to satisfy required Project mitigation measures and/or conditions.
  - b. Submit any remaining water fees to the City of Napa Utilities Department - Water Division at 1700 Second Street, Suite 100, Napa, 94559.
  - c. **STREET IMPROVEMENT FEE** - In accordance with NMC Chapter 15.84 and implementing resolutions, the Applicant shall pay the Street Improvement Fee prior to issuance of any building permit for the Project. Such fee shall be payable at the rate in effect at the time of payment.

The current rates for the Street Improvement Fee for this Project are provided for illustrative purposes as follows:

	<b>Land Use</b>	<b>Unit</b>	<b>Street Component Rate</b>	<b>Utility Underground Rate</b>	<b>Street Component Fee</b>	<b>Utility Underground Fee</b>
New Use	Hotel	123*	\$1,787/room	\$119/room	\$219,801	\$14,637
Existing Use (credit)	Single Family Detached Housing		\$2,465/DU	\$2,258/DU	(\$2,465)	(\$2,258)
	Moderate Service Commercial		\$4,109/KSF	\$273/KSF	(\$5,149)	(\$342)
					<b>\$212,187</b>	<b>\$12,037</b>

\*Note: Current design is for a 123-room hotel. If fewer hotel rooms are constructed, the Applicant shall pay the Street Component and the Utility Underground

## ATTACHMENT 1

Component of the Street Improvement Fee at the rate in effect at the issuance of building permit for each hotel room to be constructed.

49. Prior to issuance of Certificate of Occupancy of the first unit, the Applicant shall submit documentation to the Building Division for review and approval by the Chief Building Official that indicates that the following items have been completed as reviewed and approved by the Public Works Director:
  - a. The Applicant shall comply with the conditions set forth in the Water Street Conditional Abandonment Resolution adopted concurrently herewith approving the abandonment of a portion of Water Street.
  - b. Construct all the improvements (public and private) for Parcel 1, Parcel 2, Water Street and First Street as shown on the Improvement Plans.
  - c. Construct a public path between First Street and Water Street adjacent to Parcel 2 and the railroad tracks that provides for a minimum of 12-foot clear space or the minimum width required by the Napa County Flood Control and Water Conservation District for their maintenance access, whichever is greater. The Applicant shall grant the City a public access easement for the entirety of the public pathway in a form approved as to substance by the Public Works Director and as to form by the City Attorney prior to approving the Improvement Plans.
  - d. Construct an ADA accessible sidewalk connection along the south side of Water Street (private Water Street) that connects McKinstry Street to the public pathway adjacent to the railroad tracks and Parcel 2. The Applicant shall grant the City a public access easement for the entirety of the public pathway in a form approved as to substance by the Public Works Director and as to form by the City Attorney prior to approving the Improvement Plans.
  - e. Construct all water improvements as shown on the approved improvement plans, the City of Napa Public Works Department Standard Specifications and the special conditions listed above.
  - f. 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 Utilities Department Director or their designee. The test results shall be submitted by the Applicant to the Utilities Department - Water Division.
  - g. Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats.
  - h. The Applicant shall complete the water demand mitigation requirements of this Project as specified by the City of Napa Utilities Department Director or their designee. The Applicant will be contacted by the City of Napa Water Division after obtaining a building permit specifying the requirements for the proposed Project.

## ATTACHMENT 1

- i. Submit any remaining meter set and/or hot-tap fees to the Utilities Department - Water Division at 1700 Second Street, Suite 100, Napa, 94559.
- j. The Applicant shall provide the City of Napa Utilities Department Director or their designee with written documentation identifying all water meter boxes with the appropriate street address (Note: applies to water meters installed in groups of two or more – addresses to be provided by the City of Napa), APN of the parcel, building connections, points of service, and the new water service account numbers specific to the addresses and/or parcels being served.
- k. The improvements identified on the Public Street Repair Plan shall be completed.
- l. All road surfaces shall be restored to pre-Project conditions after completion of any Project-related pipeline/utility installation activities.
- m. The Applicant shall replace any damaged curb and gutter along street frontages in accordance with the City of Napa Standard Specifications and Standard Plans prior to occupancy.
- n. All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer prior to occupancy.
- o. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- p. 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.
- q. 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.
- r. The Applicant shall complete the Final Stormwater Inspection Sign Off form as specified in the Stormwater Control Plan and include the contractors and engineer of records signature verifying all post-construction BMPs have been installed and inspected as designed per the approved plans. A copy of the form may be requested from the Public Works Development Engineering Division – Stormwater Program.
- s. Identify all on-site post-construction stormwater quality BMPs and along the Project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.
- t. Prior to Final Stormwater Sign off, all disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the Site.

## ATTACHMENT 1

- u. The Applicant shall complete, certify, and submit the Floodproofing Certificate, submitted with the first Improvement Plan submittal, to the Public Works Department Development Engineering Division.
- v. The Applicant shall submit the FEMA Elevation Certificate based on Finished Construction.
- w. The Applicant shall obtain written approval of a Flood Emergency Operation Plan and an Inspection and Maintenance Plan from the City Engineer or their designee prior to issuance of a certificate of occupancy.
- x. Installation of street paving by the Applicant shall be completed and shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed and approved by the City Engineer as part of the construction plan review. Any necessary pavement conforms shall be installed prior to occupancy.
- y. Within sixty (60) days of the final inspection, the Applicant shall submit documentation (weight tags for the Project debris), signed and certified under penalty of perjury, to the Compliance Official that the diversion requirement for the Project per the approved WRRP has been met. Sign-off from Materials Diversion for a certificate of occupancy shall not occur until the weight tag documentation is approved.
- z. The Applicant shall submit to the Public Works Department Development Engineering Division all improvement plans in digital auto-cad format, compatible with the City's current version, and tied to the City's coordinate system for all storm drain facilities, water lines, lot lines, sanitary sewer lines, sidewalks and streets. Auto-cad files shall be updated for as-built information and submitted to and approved as complete by the Public Works Director prior to occupancy.

### UTILITIES DEPARTMENT – WATER DIVISION

50. Prior to approval of the Improvement Plans, the Applicant shall:
- a. Submit a utility plan for review and written approval by the Utilities Director identifying the following information:
    - (i) The size of all the existing water service(s) to the Site and adjacent parcel(s).
    - (ii) The existing water main(s) and applicable tie-in locations, details, etc.
    - (iii) The abandonment of any existing unused water service(s).
    - (iv) Installation of a single water service for each lot with approved backflow devices. Each water service shall be connected to a city water main and cannot be installed as a manifolded service.

## ATTACHMENT 1

- (v) Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations.
- (vi) Installation of a sufficient number of water main valves as directed by City of Napa Utilities Department Director or their designee at City-approved locations.
- (vii) Installation of a sufficient number of water quality monitoring/sampling stations at City-approved locations.
- (viii) The size and location of all proposed water services (residential, fire, irrigation, etc.) and tie-in locations, details, surrounding utilities, etc.
- (ix) For the water main in Water Street:
  - (a) Abandon the waterline within Water Street by completing the following items:
    - (i) Installing a blow-off per City Standards at the end of the public water main in McKinstry Street;
    - (ii) Removal and abandonment or relocation of the fire hydrant and water services on the abandoned waterline.

OR

- b. Convert the waterline within Water Street to a private waterline by completing the following items:
  - (i) Installation of a water meter;
  - (ii) Installation of a reduced pressure backflow prevention device;
  - (iii) Removal or conversion of the public fire hydrant to private (to be coordinated with the property owner of 933 Water Street);
  - (iv) Installation of a blow-off per City Standards at the end of the public water main in McKinstry Street.
- (x) Relocation of any affected water pipelines, facilities and their appurtenances (including but not limited to the private water services affected by the privatization or abandonment of the Water Street waterline – 903 McKinstry Account #20205546).
- (xi) The size and location of appropriately sized water services with backflow devices (Applicant must install backflow device(s) if one does not exist), with tie-in locations, surrounding utilities, etc.
- (xii) Designate applicable on-site fire hydrants as private.

## ATTACHMENT 1

- (xiii) A combined fixture count worksheet for all tenant spaces to ensure water service size meets proposed demands. Undersize services are not allowed.
  - (xiv) Identify and record all private water easement(s) necessary to extend private service(s) behind the public water meter to the property served.
  - (xv) Water services and meters shall be installed per City Standards within public right-of-way or a dedicated public utility easement.
  - (xvi) Construction of improvements (permanent structures, other utilities, etc.) shall meet the minimum required clearances from all public water infrastructure per City Std W-18, W-22A, and W-22B.
  - (xvii) Submit fire sprinkler plans (if applicable) to the Fire Prevention Division for review and approval. The water service size required to meet fire sprinkler demands shall be consistent with the water service size on the Civil plan set.
51. Prior to Building Permit Approval, the Applicant shall:
- a. Show compliance with Napa High Performance Building Standards. This requirement can be met by listing the make and model of each plumbing fixture, or by labeling each fixture with the maximum flow rate.
52. Prior to issuance of a Certificate of Occupancy, the Applicant shall:
- a. Submit remaining fees (hot-taps, meter sets, etc.) to the Water Division at 1700 Second Street, Suite 100, Napa, CA;
  - b. Construct all water improvements as shown on the approved plans, the City of Napa Public Works Department Standard Specifications and the special conditions listed above;
  - c. Designate applicable on-site private fire hydrants as private per City Std W-8;
  - d. Obtain a backflow device inspection from City of Napa Water Division. Call (707)257-9544 at least 48 Hours in advance of requested inspection time;
  - e. 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;
53. Prior to Building Permit Final, the Applicant shall:
- a. Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats.

## ATTACHMENT 1

### UTILITIES DEPARTMENT – SOLID WASTE AND RECYCLING DIVISION

54. Applicant shall contract for service with the City of Napa's authorized contractor for trash, recycling, and compostables collection.
55. Prior to approval of the Improvement Plans, the Applicant shall:
  - a. The Applicant shall provide adequate, accessible, and convenient areas for the collection and loading of all waste streams. Collection and loading areas shall contain adequate area to accommodate all waste streams generated by the Project. All service locations and/or enclosures shall be accessible by collection vehicles. The Utilities Director shall approve the design and location of each collection and loading area.
  - b. The Applicant shall indicate the storage location and quantity of the solid waste/recycling/compost carts/bins on the plan set; trash enclosures onsite shall comply with the City's Solid Waste, Recyclable Materials and Compostables Enclosures Standards.
56. Prior to approval of the Building Permit, the Applicant shall:
  - a. Comply with the requirements of NMC Chapter 15.32 which requires projects that; (a) exceed \$100,000 in building valuation; or (b) exceed 5,000 sq.ft. of new, improved, or remodeled areas. If the Project is subject to the requirements above, the Applicant shall file a Waste Reduction and Recycling Plan (WRRP) for review and approval with the Solid Waste & Recycling Division with the building permit application. No building permit shall be issued for any project until the Compliance Official has approved the WRRP. The plan shall document that recyclable materials shall be separated for recycling in order to meet the requirement of the City's construction and demolition debris ordinance - recycling mandatory recyclables and exceeding overall 50% diversion.
57. Prior to issuance of a Certificate of Occupancy, the Applicant shall:
  - a. Submit official weight receipts/tags for review and approval by the Compliance Official in accordance with NMC Chapter 15.32.

### NAPA SANITATION DISTRICT

58. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District confirming that the Applicant has complied with all Napa Sanitation District requirements applicable to the Project in their letter dated August 22, 2023, and attached as Exhibit B.

### CITY GENERAL CONDITIONS

59. 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



## ATTACHMENT 1

been addressed or incorporated into either the improvement plan set or building plan set.

60. Unless otherwise specifically provided in this resolution, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.
61. No use authorized by this permit may commence until after the Applicant executes any required permit agreement required by previously stated conditions of approval.
62. 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).
63. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, plans and specifications, or other approved documents, to comply with the General Plan, any applicable Specific Plan, the NMC, City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, and the approved tentative map, site plan, plans and specifications, and other approved documents.
64. 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.
65. 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 relating to the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of Project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.

## ATTACHMENT 1

66. 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.
67. The conditions of Project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions required in connection with the instant approvals has begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
68. Violation of any term, condition, mitigation measure or Project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
69. 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.
70. The Use Permit and Design Review Permit shall become effective on the day following Council's approval of this Resolution, is subject to expiration and revocation, and may be extended, all in accordance with the provisions in NMC Chapter 17.68. subject to expiration, revocation, and extension in accordance with the provisions in NMC Chapter 17.68
71. The Certificate of Appropriateness approved by Resolution R2020-135 shall remain effective for the term of the Use Permit and Design Review Permit, subject to expiration, revocation, and extension in accordance with the provisions in NMC Chapter 17.68.
72. This Resolution shall supersede in its entirety Resolution R2020-134.

**ATTACHMENT 1**

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 2nd day of April 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST: \_\_\_\_\_

Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney