

RESOLUTION R2020-053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT AND DESIGN REVIEW PERMIT FOR THE EMBASSY SUITES ADDITION AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM THE REQUIREMENTS OF CEQA

WHEREAS, on August 03, 2019, Mani NVR Napa (DE) ("Applicant"), submitted an application (PL16-0144) for a use permit pursuant to Napa Municipal Code ("NMC") Chapter 17.60 ("Use Permit") and a design review permit pursuant to NMC Chapter 17.62 ("Design Review Permit") for a 53,720 square foot, 54 room detached hotel building addition; and a planned development overlay pursuant to NMC Chapter 17.42 ("Planned Development Overlay District") to allow for an increase in building height beyond the district maximum on the vacant portion of the Embassy Suites site at 1075 California Boulevard and 2420 First Street, APN's 002-200-001 & 002-141-002 ("Site") (all of the foregoing collectively, the "Project"); and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on February 6, 2020 and has recommended approval of the subject application; and

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

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

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

Section 2. The City Council hereby determines that the actions authorized by this Resolution are exempt from CEQA pursuant to CEQA Guidelines Section 15332 which exempts in-fill development projects that: (1) are consistent with the applicable general plan designation and applicable general policies and applicable zoning designation and regulations; (2) occur within city limits on a project site of no more than five acres substantially surrounded by urban uses; (3) are on a project site that has no value as habitat for endangered, rare, or threatened species; (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (5) can be adequately served by all required utilities and public services.

Section 3. 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 new hotel building addition and its transient occupancy use are consistent with the Tourist Commercial General Plan designation and the prescribed General Plan floor area ratios. The Project is consistent with General Plan policies encouraging the development of hotel and conference facilities in and around the downtown area and to tie the facility to downtown through physical improvements. The hotel addition increases the viability of the already successful Embassy Suites Hotel which although located just beyond the Downtown area, serves the Downtown. General Plan Goal LU-5 encourages attractive, well-located commercial development to serve the needs of Napa residents, workers and visitors. The hotel addition makes efficient use of the vacant, triangular portion of the hotel site. It proposes additional lodging facilities to an existing hotel at a conveniently accessed site from State Highway 29 and within close proximity to the Downtown area. Therefore, the proposal can be found to be consistent with General Plan Goal LU-5. The Site is not within an overlay district.

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 54 hotel room addition application has been circulated to other affected 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 Project will not cause any health, safety, and/or general welfare hardship to the community. As conditioned the expansion of the hotel facility 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 are not new uses on the Site and the Project is a minor expansion to an existing facility. Further, as noted above, the proposed use and required conditions will ensure the provision of adequate parking, circulation and use of controlled valet parking attendants to address potential impacts.

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

Hotels may be established by a Use Permit in the Tourist Commercial District. The proposed hotel addition, as well as the exiting hotel have been reviewed for compliance with the Tourist Commercial 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 NMC Chapters 17.10 and 17.60.

Section 4. 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 hotel addition, associated improvements and tourist oriented use of the property are consistent with the Tourist Commercial General Plan designation and the prescribed General Plan Floor Area Ratio (FAR). The General Plan allows for a maximum FAR of 0.7 and the Project including the existing hotel provides a density of 0.6 which is below the General Plan maximum FAR. The Site is not within a Specific Plan.

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

Although the Site does not fall within the area subject to the Soscol Corridor / Downtown Riverfront Development and Design Guidelines (Guidelines), the City has adopted the design principles within the Guidelines to be applied to projects citywide. The proposed hotel addition's design, site layout and architecture are consistent with the goals, policies and recommendations outlined in the Design Guidelines. The variety of rectangular forms, sliding aluminum sunscreens, corten standing seam metal frames, and floating glass walls juxtaposed against the seemingly linear body of the new building break up the perceived massing and provide visual interest consistent with the Design Guidelines' desire to express vertical modules of units which are defined by recessed or projecting masses and variation of architectural elements.

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 NMC Title 17 (Zoning Ordinance), and the development standards of the Tourist Commercial zoning district. As conditioned, the proposed Project would not result in any significant impacts. The hotel addition 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 5. The City Council's approval of the Use Permit and Design Review Permit for the Project is subject to the following conditions:

Community Development Department – Planning Division

1. This Use Permit and Design Review Permit authorizes the construction of a 54-room addition to the Embassy Suites Hotel, for a total of 265 rooms on the Site. The plans submitted for building permits shall conform substantially to the plans submitted with the application (date stamped, received December 5, 2019) and as reviewed and

approved by the City Council, and as amended by the conditions of approval. The plans indicate a detached 53,720 square foot, 4 story, 54 room hotel addition on the Embassy Suites hotel site. The 54-hotel room addition includes a 1,520 square foot restaurant, a 4,290 square foot open air terrace and a 1,270 square foot lounge. The project includes 21, 2 car stacked parking lifts and 10, 3 car stacker lifts to accommodate the parking intensification from the additional rooms. The Project shall comply with all representations in accordance with the plans dated December 5, 2019, prepared by Gensler, RSA+ and VTA and submitted as a part of the subject application.

2. Except as amended by this resolution, UP83-173 shall remain in full force and effect.
3. These Project approvals supersede in its entirety the 2018 Administrative Permit (PL18-0013) authorizing a 4,045-square foot addition to the existing conference facility.
4. The Applicant shall impose necessary requirements on its employees to ensure that no hotel employees park along California Boulevard or within the adjacent neighborhood while on duty.
5. Only events which can be accommodated by the parking supply available for the hotel are permitted on the Site. If a hotel event is scheduled during a period of maximum hotel occupancy which might result in exceeding the parking capacity, the Applicant shall implement the valet parking plan provided in the application materials.
6. The eighteen (18) car lifts that are necessary for the Project to provide 367 parking spaces shall be installed in the northern portion of the parking lot as identified in the project plans and shall be covered with a green windscreen material to mitigate any negative aesthetic impacts caused by the lifts and visual appearance of vehicles stacked two and three-high.
7. The car lifts shall be secured at all times from operation by anyone other than a qualified operator employed by the hotel.
8. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy on the project.
9. 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.

10. A detailed landscaping and irrigation plan shall be reviewed and approved by the City prior to issuance of Building Permit. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.
11. 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.
12. Prior to issuance of a Building Permit, the Developer shall pay all applicable fees at the rates in effect at the time of payment for the Project involved, including but not limited to:
 - a. Affordable Housing Impact Fee; and
 - b. Public Art Contribution (or compliance with the public art installation requirement pursuant to NMC 15.108).
13. All windows and glass proposed for the exterior of the building shall be non-reflective glass.
14. 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.
15. 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.
16. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.
17. Grading and construction equipment shall be shut down when not in use.
18. Construction activities shall not occur during windy periods.
19. Exposed soil surfaces shall be periodically sprinkled to retard dust; no City water shall be used for this purpose.

20. In the event that previously unidentified paleontological, archaeological or historical resources are uncovered during Site preparation, excavation or other construction activity, all such activity within 100 feet of the discovery shall cease until the resources have been evaluated by a qualified professional, and specific measures can be implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code.
21. In the event that human remains are uncovered during Site preparation, excavation or other construction activity, all such activity within 100 feet of the discovery shall cease until the remains have been evaluated by the County Coroner, and appropriate action taken in coordination with the Native American Heritage Commission, in accordance with section 7050.5 of the California Health and Safety Code or, if the remains are Native American, section 5097.98 of the California Public Resources Code.
22. Due to known cultural resources near the project site, and consistent with Public Resource Code 21080.3.2, the Yocha Dehe Winton Nation has requested one of their Tribal Cultural Monitors be present during ground disturbance activities related to the construction of this project. The Applicant shall contact James Kinter, Tribal Secretary at (530) 796-3400 or jkinter@yochadehe-nsn.gov to arrange for a tribal cultural monitor to be present during initial ground disturbance associated with the project's construction. Proof of contact will be required prior to issuance of a building permit.
23. 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.
24. All project signage for the Project shall be subject to a separate review and approval. Consistent with the City's Sign Ordinance, no portable (e.g. A-frame, portable, rotating, flashing, animated, moving or having the appearance of moving, inflatable) signs are permitted. Temporary signs may be permitted in accordance with NMC 17.55.120 with approval by the Planning Division.
25. 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. The Napa Sanitation District has described the applicable requirements in a letter to the Planning Division dated July 6, 2018, attached hereto and incorporated herein as "Exhibit A".

Public Works Department:

26. Approval of this Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Napa Municipal Code, the Public Works Department Standard Specifications and Standard Plans dated October 2018, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards".
27. 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 of Napa Public Works Department (PW) Development Engineering Division. The improvement plans shall be prepared in conformance with the plans prepared by RSA+ dated 12/09/19 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, etc. The plans and calculations must be approved by the City Engineer prior to the issuance of the building permit.
28. 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) under the Public Works Department Development Engineering Division Forms and Handouts menu.
29. The Applicant shall pay a \$5,000 initial cash deposit for city plan check services.
30. **IMPROVEMENT PLANS** – The following items shall be shown on the improvement plans prior to approval of the plans:
- a. California Boulevard:
 - (1) The Applicant shall replace the driveway approach leading in and out of the proposed hotel expansion.
 - (2) Applicant shall replace all frontage improvements including curbs, curb and gutter, landscape strip, etc. that are removed and or damaged during the construction of this Project.
 - (3) The Applicant shall repair all public sidewalks that are damaged and/or displaced on the Site's frontage as directed by the City. Contact Alex Reynolds at 707-257-9438 to determine sidewalk repairs. Sidewalk repairs shall be in accordance with City's Standard Specifications and Standard Plans.
 - (4) The Applicant shall construct the median extension to prohibit left turn movements to and from the southerly Project entrance, and the median shall include median landscaping subject to the approval of the City of Napa Public Works Director.
 - (5) The Applicant shall extend the existing northbound left turn pocket in the center median at the main Project driveway to be an 80-foot left turn pocket plus a 60-foot bay taper.

b. Clay Street:

- (1) The Applicant shall install a 12-inch water main along Clay Street from California Blvd. to Monroe Street. The improvement plans shall provide a plan and profile (including a stationing alignment) of the 12-inch water main along with a Public Street Repair Plan. The alignment, plan, and profile shall be approved by the Utilities Department. Please refer to condition of approval 9.o. below for more details.
 - (2) The Applicant shall resurface the entire width of Clay Street from lip of gutter to lip of gutter. The resurfacing shall extend a sufficient distance beyond the end of any cut to ensure a smooth transition and shall consist of a 2-inch grind and overlay. However, once the 12-inch water main alignment has been reviewed and approved by the Utilities Department, the resurface limits along Clay Street should be reviewed and if needed modified with the approval of the Public Works Department Development Engineering Division.
- c. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the Public Works Department Standard Specifications. Street improvements shall include curbs, gutter, standard 4' sidewalk, 6' planter strip, 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.
 - d. Any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City prior to improvement plan approval.
 - e. Curb return pedestrian ramps meeting current ADA and City Public Works Standards shall be installed at the Project driveways along California Boulevard.
 - f. All public street(s) pavement structural section installations shall be 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. California Boulevard's functional classification is an arterial.
 - g. Public street access points and street corners shall be designed to satisfy the City of Napa Visibility and Fencing Standard (Std. Detail 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. Please note that sign locations shall be in accordance with the Visibility and Fencing Standards.
 - h. 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.

- i. The improvement plans shall include an Erosion Control Plan.
- j. The improvement plans shall include a Joint Trench Plan.
- k. The improvement plans shall include a Construction Traffic Control Plan.
- l. The improvement plans shall include a Grading and Drainage Plan.
- m. The improvement plans shall include a Utility Plan showing all the existing and proposed utilities including overhead and underground utilities.
- n. 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, utilities (water, 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:
 - (1) The plans do not show any dry utility connections within the City of Napa right-of-way; however, if dry utility connections require trenching in the street or within the City of Napa right-of-way then 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 extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of either a 2-inch asphalt concrete overlay, or geotextile material with a minimum 2-inch asphalt concrete overlay, depending upon the extent of the proposed pavement cuts and the condition of the existing pavement section, as determined by the City Engineer. The Developer 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 by the Public Works Department Development Engineering Division and approved by the City Engineer as part of the construction plan review.
 - (2) 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.
- o. 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.
- p. 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 extensions. The Applicant shall relocate or underground any overhead utilities that conflict with the new improvements.

- q. Contact the City of Napa Fire Department to determine the fire sprinkler requirements.

31. 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, 5.5' sidewalk adjacent to curb, street paving, driveway approaches modified to meet ADA standards, and drainage facilities shall be installed on the Project's private driveway.
- b. The proposed driveway minimum width shall be 25 feet located north of the proposed building.
- c. All curb frontage intended for no parking shall be painted red and posted with signs (R26F - No Stopping Fire Lane).
- d. 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.
- e. In accordance with the Public Works Department Standard Specifications and Standard Plans and the Napa Municipal Code Site circulation shall be designed to allow vehicles to exit the Site in a forward motion. A minimum 25 foot backup turn-around area shall be provided for all required parking spaces, including tandem spaces.
- f. Per City of Napa Public Works Standard Specification 3.02.02 H., no on-site parking space shall be allowed within the initial 20-feet of the driveway, where it connects to the public street measured from the back of sidewalk of the fronting street or from the ultimate right-of-way line in areas without sidewalks.

32. 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 connect the proposed new 15-inch SD pipe to the G2 MH (Drainage System 6.c) that was recently installed as part of the First and Second Street Roundabout project.

- c. If applicable the Applicant shall replace any existing non-standard drainage inlets, such as Type S-110, with a City Standard drainage inlet, such as Type D-2.
- d. 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.
- e. The grading plans provided by the Applicant for review shall include the existing topography shown with contour lines 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.
- f. Detention improvements shall be incorporated into the Project storm drain system design as necessary to maintain post development 10 year, 25 year and 100 year runoff from the site at pre-development levels. Supporting calculations shall be submitted for review and approval.
- g. The grading and drainage plan shall include a design that allows for a 100-year overland release with all building finish floor slab elevations a minimum of one foot above the 100-year overland release elevation.
- h. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.
- i. 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.
- j. It is the City's policy to require all new parcels to 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.
- k. 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 with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.
- l. The roof drainage and downspouts from the building shall not be allowed to discharge into the adjacent property, and the gutter downspouts and drainage need to be directed away from the adjacent property line.
- m. 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.
 - (1) **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/574/Stormwater-Quality>

- (2) The construction BMP's shall be shown on the project Erosion and Sediment Control Plan (ESCP).
 - (3) 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
 - (4) 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.
 - (5) 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.
- n. 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"
- (1) The post-construction BMP's shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).
 - (2) 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.
 - (3) 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.

- (4) 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 Development Engineering Division.
- (5) The project post-construction BMP's shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control Standards, BASMAA Post-Construction Manual and accepted design review Stormwater Control Plan prepared by RSA+ dated December 5, 2019. Please note that the Stormwater Control Plan must be signed. The signed SCP shall be submitted with the first improvement plan submittal.
- o. The Applicant shall submit storm drain system design calculations that are prepared by a registered civil engineer for review and approval by the Development Engineering Division. Storm drain system design flows shall be calculated based on the requirements listed in the City of Napa Public Works Department Standard Specifications 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 design calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3') per second when flowing half full.
- p. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
- q. 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 Development Engineering Division.
- r. The property owner shall enter into a long term maintenance agreement with the City of Napa approved both as to form and substance by the City Attorney and City Engineer for long term maintenance, financing and monitoring for the post construction storm water best management practices that are incorporated as part of the project and as called out in the Approved Stormwater Control Plan.
 - (1) 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.
 - (2) 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.

- (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 and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.
- (5) 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..
- (6) The owner of the real property shall provide a written document, deed, agreement or similar writing acceptable to the Director, obligating the project proponent, their successors in control of the project and successors in fee title to the underlying real property (or premises), to assume responsibility for the operation and maintenance of all installed treatment systems and hydromodification controls, if any, for the project.
- (7) The owner or operator of any installed treatment system or hydromodification control shall provide the Director with information and physical access necessary to assess compliance with this chapter, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council. (O2014-15, 11/18/14)

33. NOTES - The following notes shall be shown on the improvement plans prior to approval of the plans. The Applicant and the construction contractor shall satisfy the requirements stated in the following notes. The Applicant's engineer shall include the following notes on the improvement plans prior to approval of the plans by the Public Works Department Development Engineering Division:

- a. No grading and/or excavation shall be performed except in accordance with the approved erosion control plan and schedule. The contractor shall have all erosion control measures on site during the course of the work and installed in accordance with the approved erosion control plan schedule.
 - b. During the course of the project construction (including non-working hours), the contractor is to provide appropriate signage, flashers, and barricades for open trenches that are approved by the Public Works Department Construction Division Inspector to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.
 - c. Any existing pedestrian access through and/or adjacent to the Site shall remain unobstructed during the project construction or an alternate route shall be established as approved by the Police Chief and City Engineer.
 - d. During the course of the project construction, all project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications.
 - e. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).
 - f. Grading and construction equipment shall be shut down when not in use.
 - g. For all construction activity, the contractor shall control dust in accordance with the requirements of the City of Napa Public Works Department Standard Specifications and Standard Plans (Part II – General Provisions – Dust Control); the National Pollution Discharge Elimination System requirements; and the California Department of Transportation Construction Manual (Chapter 4 – Construction Details – Section 10 Dust Control). Use of any City of Napa water for this purpose shall be from a metered source that is approved by the City of Napa Water Division and shall be requested in writing by the Contractor.
 - h. During the construction/demolition/renovation period of the project, the contractor shall use the franchised garbage hauler for the service area in which the project is located to remove all wastes generated during project development, unless contractor transports project waste. If the contractor transports the project's waste, the contractor must use the appropriate landfill for the service area in which the project is located.
 - i. The contractor shall provide for the source separation of wood waste for recycling. The contractor shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the contractor transports such wood waste to a location where wood waste is recycled.
34. WATER FACILITIES - The following items related to water facilities shall be shown on the improvement plans or completed prior to approval of the plans. The Water Division shall review and approve these items:

- a. The size of all the existing water service(s) to the property and adjacent parcel(s).
 - b. The existing water main(s) and applicable tie-in locations, details, etc.
 - c. The abandonment of any existing unused water service(s).
 - d. Existing and proposed water services shall be clearly shown.
 - e. Installation of all required meters to convert all public water mains to private mains.
 - f. The size and location of all proposed water services (residential, fire, irrigation, etc.) which shall originate at California Boulevard. All new water service installations shall conform to current City Standards. Domestic water shall be supplied by a master meter placed in the public right-of-way with private service laterals thereafter.
 - g. Relocation of all existing water services to California Boulevard which shall conform to current City standards (i.e. may require reconfiguration of existing on-site plumbing).
 - h. The size and location of appropriately-sized water services with backflow devices (commercial, fire, irrigation, etc.) with tie-in locations, surrounding utilities, etc.
 - i. Installation of a sufficient number of water main valves as directed by City of Napa Water Division at City-approved locations.
 - j. Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations.
 - k. All fire services and fire hydrants shall be connected to the fire service pipeline.
 - l. Installation of a sufficient number of water quality monitoring/sampling stations at City approved locations.
 - m. Designate applicable on-site fire hydrants and pipelines as private.
 - n. Relocation of any affected water facilities and/or appurtenances (e.g. private fire hydrants, backflow devices, meters, etc.).
 - o. Installation of approximately 250-feet of 12-inch water main in Clay Street from California Blvd. to Walnut Street, which shall directly connect two Zone 2 pipelines (i.e. directly connect the existing 14-inch and 12-inch pipelines).
 - p. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work. Provide with the first improvement plans 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.
35. 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 north portion of parcel APN 002-200-001 is located in the Napa Creek and is within the Special Flood Hazard Area "Zone AE" as designated on the Flood Insurance Rate Map (FIRM), 06055C0516F effective September 29, 2010 revised per LOMR 14-09-2231P effective 11/12/2014 and it is also within the regulatory floodway. As such the requirements of the City of Napa Municipal Code Chapter 17.38 Floodplain Management apply to all new construction within the Special Flood Hazard Area. The hotel addition is located outside of the Special Flood Hazard Area (SFHA) Zone AE but the following requirements need to be shown on the plans:
 - (1) The project site plans shall indicate the limits and 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 so noted on the site plan.
 - (2) Indicate on plans the building finish floor elevation.
 - (3) Indicate on the improvement plans that electrical, heating, ventilation, plumbing, air conditioning equipment (including ductwork) and other services are located outside the Zone AE.
 - (4) Please note that 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 might be required during the building permit process. All referenced elevations shall be based on NAD88 datum and the current FEMA FIS and FIRM prepared for the City of Napa.
- c. The proposed trash enclosure located at the south end of the property (adjacent to the new building) does not meet City Standards relating to access by the trash/recycling/food waste collection contractor (currently Napa Recycling and Waste Services(NRWS), as the location of the enclosure does not allow for a minimum straight approach of 50 feet, nor is the turning radius adequate for a 3-axle truck. Therefore, this enclosure is designated as for hotel use only (and will not be serviced by the contractor), with the trash and recycling being transported by hotel staff in hotel transport to the proposed expanded trash/recycling/food waste enclosure at the north end of the property. As the existing hotel includes a restaurant (food facility) the proposed trash enclosure located at the north end of the property shall have a roof, and a drain connected to the sanitary sewer, and be designed per the City's current Enclosure Standards. The trash/recycling enclosure proposed for the north end of the property shall be constructed with this project. The location, layout and dimensions of this facility shall be shown on the improvement plans.
- d. This project is subject to City Ordinance O2010 18 which requires projects that exceed \$100,000 in building valuation; or (b) exceed 5,000 sq.ft. of new, improved, or remodeled areas; or (c) exceed 5,000 sq.ft. of floor area to be

demolished; to file a Waste Reduction and Recycling Plan (WRRP) with the building permit application (which will be forwarded by Building Division Staff to the C&DD Compliance Official/Materials Diversions Staff). 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. The plan shall document that recyclable materials shall be site separated for recycling in order to meet the requirement of the City's construction and demolition debris ordinance—recycling mandatory recyclables and exceeding overall 50% diversion. Official weight receipts for each load shall be obtained. Within sixty (60) days of the final inspection, the Applicant shall submit documentation (weight tags for the project debris), signed and certified under penalty of perjury, to the Compliance Official that the diversion requirement for the project per the approved WRRP has been met. Sign-off from Materials Diversion for a certificate of occupancy shall not occur until the weight tag documentation is approved. Non-compliance with the plan and City requirements may result in a fine.

- e. 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.

36. PRIOR TO APPROVAL OF IMPROVEMENT PLANS - The Applicant shall submit documentation to the Public Works Development Engineering Division for review and approval 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. No inspections or water service from the Water Division will be initiated until all connection fees for the project have been paid.
- 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 pay a deposit for inspection fees for Public Improvements.
- d. Any work performed on neighboring properties shall be done in accordance with temporary construction easements from the impacted neighbor(s). The easements shall be obtained with copies submitted to the Public Works Development Engineering Division for review prior to the approval of the improvement plans.
- e. 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.
- f. 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 .

- g. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work. Provide with the first improvement plans 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.
- h. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.

37. PRIOR TO COMMENCING ANY ACTIVITIES ON-SITE – Prior to commencing any ground disturbing activities on-site, the Applicant shall:

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

38. PRIOR TO ISSUANCE OF A BUILDING PERMIT - Prior to issuance of the 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 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 issuance of a building permit.
- b. Submit any remaining water connection 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 Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements

identified therein the Applicant shall pay the Street Improvement Fee prior to issuance of any building permit for the project. The fee is required to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collector street system. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of development demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this project.

- d. Per the Master Schedule of City Fees, Fines and Charges effective January 1, 2020, the current rates for the Street Improvement Fee for this project is \$1,906 per room for the hotel use and \$10,576 per 1,000 SF for the quality restaurant use areas.

	Land Use	Unit	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Hotel	54 rooms	\$1,787/room	\$119/room	\$96,498	\$6,426
New Use	Quality Restaurant	2.94 KSF	\$9,913/KSF	\$663/KSF	\$29,144	\$1,949
					\$125,642	\$8,375

- e. The above fee amounts are provided based on the current rates.
- f. City fee amounts are updated periodically. The Applicant shall pay the fees based on the rate in effect at the time of payment.

39. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OF THE FIRST UNIT

- Prior to issuance of a certificate of occupancy for the first unit the Applicant shall submit documentation to the Building Division for review and approval that indicates that the following items have been completed as reviewed and approved by the Public Works Department Development Engineering Division:

- 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.
- 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. The test results shall be submitted by the Applicant to the City of Napa Public Works Department Water Division.

- c. Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats.
- d. The Applicant shall 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.
- e. Submit any remaining meter set and/or hot-tap fees to the Utilities Department Water Division at 1700 Second Street, Suite 100, Napa, 94559.
- f. The Applicant shall provide the Utilities Department Water Division 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.
- g. The improvements identified on the Public Street Repair Plan shall be completed.
- h. All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.
- i. The Applicant shall replace any damaged curb and gutter along street frontages in accordance with Public Works Department Standard Specifications prior to occupancy.
- j. All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer prior to occupancy.
- k. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- l. 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.
- m. 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.
- n. 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.
- o. Identify all on-site post-construction stormwater quality bmp's and along the project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.

- p. Prior to Final SW Sign off, All disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the site.
- q. 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 by the Public Works Development Engineering Division and approved by the City Engineer as part of the construction plan review. Any necessary pavement conforms shall be installed prior to occupancy.
- r. The Applicant shall replace any damaged curb and gutter along street frontages in accordance with Public Works Department Standard Specifications prior to occupancy.
- s. Within sixty (60) days of the final inspection, the Applicant shall submit documentation (weight tags for the project debris), signed and certified under penalty of perjury, to the Compliance Official that the diversion requirement for the project per the approved WRRP has been met. Sign-off from Materials Diversion for a certificate of occupancy shall not occur until the weight tag documentation is approved. Non-compliance with the plan and City requirements may result in a fine.
- t. 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 Department Development Engineering Division prior to occupancy.

Fire Prevention Division

- 40. 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.
- 41. The Applicant shall pay the Fire and Paramedic Impact Fee prior to the issuance of any building permits.
- 42. 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.
- 43. The Project shall provide adequate fire flow in accordance with Appendix B and C of the California Fire Code.

44. Tenant Improvements require modification or extension of the automatic fire sprinkler system. Fire sprinkler alterations require a permit from the Fire Marshal's office. Automatic fire sprinkler systems shall be evaluated/designed by a fire protection engineer or C-16 licensed contractor. Building Permits cannot be issued until plans are submitted and then approved by the fire department.
45. Automatic fire sprinkler systems shall be installed in accordance with provisions set forth in NMC Chapter 15.04 and the applicable National Fire Protection Association Standard.
46. In new construction, new fire protection riser equipment (if needed) should be located within an interior room having an exterior access door or in an exterior enclosure attached to the building, specifically for the purpose of housing such equipment.
47. Plans and calculations for all fire protection systems and features shall be submitted and approved prior to the issuance of a building permit.
48. Underground utility contractor, architect and fire sprinkler contractor shall coordinate location of risers and control valves prior to the issuance of a building permit.
49. Tenant Improvements may require alteration of the building fire alarm system or water sprinkler monitoring system (as required). Fire alarm systems or water sprinkler monitoring systems shall be evaluated/designed by a fire protection engineer or C-10 licensed contractor. Building Permits cannot be issued until plans are submitted and then approved by the fire department.
50. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet (curb to curb) and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 72,000 lbs
51. When required by the 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.
52. New buildings and additions to existing buildings shall conform to requirements set forth in the currently adopted editions of the California Building Code, California Fire Code, adopted City Standards and nationally recognized standards.

CITY GENERAL CONDITIONS:

53. Unless otherwise specifically provided in this resolution or the Development Agreement, 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.

54. Except as otherwise provided in the Development Agreement, Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
55. Except as otherwise provided in the Development Agreement, Development Plan, Design Guidelines, and approve Master Map, Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved tentative map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.
56. 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.
57. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of Project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same. In the event of any differences between this indemnity provision and that in the Development Agreement, the Development Agreement shall control.
58. 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.

59. Applicant must comply with all conditions of approval set forth in this Resolution. Violation of any term, condition, mitigation measure or Project description relating to this Resolution is unlawful, prohibited and a violation of the NMC and is grounds for revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.

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

Section 6. This resolution shall become effective immediately upon adoption.

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 21st day of April, 2020 by the following roll call vote:

AYES: Gentry, Luros, Alessio, Sedgley, Techel

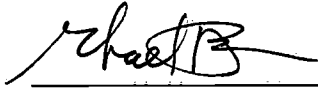
NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: 
Tiffany Carranza
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney

EXHIBIT "A"

**NapaSan****COLLECTION • TREATMENT • RECOVERY • REUSE**

July 06, 2018

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

SUBJECT: 16-0144 EMBASSY SUITES ADDITION, REFRL-000639, James Whitney, 2420 FIRST ST
 (Allen)

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

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

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

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

1. A plan showing the required sanitary sewer improvements conforming to NapaSan standards shall be submitted to NapaSan for approval.
2. There is an existing 20 foot wide sanitary sewer easement running along the eastern property line of the subject parcel. No trees or other permanent structures will be allowed within this easement area.
3. Each parcel shall be served by a separate sanitary sewer lateral.
4. Sanitary sewer facilities are required to have a minimum of 24" of cover at all points within the public right of way. The proposed sanitary sewer facilities shall be designed to meet this requirement.
5. No floor drains are allowed in the building except in the restroom and food service areas.
6. A grease interceptor will be required for any restaurant or food service type of uses.
7. The owner shall demolish any existing sanitary sewer laterals that are not proposed for re-use and cap them at the main. The owner will be required to hire a Class A licensed contractor to

- perform any sewer work in the public right of way.
8. Should there be a drain in the trash enclosure, it shall be connected to a grease interceptor and the trash enclosure shall meet NapaSan standards. Contact NapaSan for more information.
 9. No plumbing from the outdoor pool/spa areas or water features shall be connected to the sanitary sewer system.
 10. Discharge lines from elevator sump pits shall not be connected to the sanitary sewer system.
 11. Commercial and residential uses shall be served by separate sanitary sewer laterals.
 12. Napa Sanitation District adopted a Collection System Master Plan (CSMP) in December 2007. The growth projections in the CSMP are consistent with the City of Napa General Plan, the Napa County General Plan, and the General Plan Update in progress at that time. This project is being developed at an intensity greater than was specified in the City of Napa General Plan. The CSMP identified several trunk pipelines in existing collection systems that have capacity deficiencies during wet weather flow conditions directly related to inflow/infiltration (I&I). This project is upstream of pipelines that were identified by the CSMP as lacking sufficient wet weather capacity. Development of this property may increase projected sewer flows. Development of this property may create additional impacts to the downstream trunk pipeline that were not considered in the CSMP. NapaSan will require the project to participate in an I&I reduction project consistent with the requirements of Napa Sanitation District Board Resolution 11 025. Contact NapaSan for additional information.
 13. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
 - a. Demolition Permit
 - b. Plan Check Fees
 - c. Inspection Fees
 - d. Capacity Charges (per hotel unit)
 - e. Capacity Charges (based on use and square footage for commercial spaces. Outdoor dining and event space is included in the square footage calculation)
 14. All specialty hardscape/landscape features proposed within the sewer easement shall be subject to approval by NapaSan. If approved, the owner shall enter into an indemnification agreement with NapaSan that places the expense for removal and/or replacement of the features on the owner.
 15. NapaSan has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at NapaSan's website (www.NapaSan.com). NapaSan may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.

The capacity charge for an equivalent dwelling unit currently is \$9,624 and will increase by the Consumer Price Index (CPI) in July. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff for additional information regarding capacity charges.

Please include this information as a part of your consideration of the application.

Sincerely,

Karl Ono, P.E.
Associate Engineer