

RESOLUTION R2018-101

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING USE PERMITS FOR THE PROPOSED HOTEL AND WINERY USES AND A DESIGN REVIEW PERMIT FOR THE TRINITAS MIXED USE PROJECT AT 2650 NAPA VALLEY CORPORATE DRIVE (APNS 046-610-009, 019, 020) AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on April 14, 2016, Pacific Hospitality Group (“Applicant”) submitted an application (PL16-0054) for a Planned Development Overlay District, Use Permits for the proposed winery and hotels uses, and Design Review Permit for a mixed-use project on a 11.55-acre site located at 2650 Napa Valley Corporate Drive (“Site”) consisting of: (1) a four-story 253-room “dual branded” hotel building consisting of a 100-room Marriott Residence Inn and a 153-room AC Hotel; (2) a single-story 26,214 square foot winery building; and (3) a two-story 29,878 square foot office building, along with associated parking (441 parking spaces) (“Project”). The application was subsequently deemed complete on April 18, 2017; and

WHEREAS, in accordance with Section 17.34 of the Napa Municipal Code the Project requires review by the Napa County Airport Land Use Commission (“ALUC”) for a consistency determination prior to final approval because portions of the Project are in Zones C and D of the Napa County Airport Land Use Compatibility Plan (“ALUCP”); and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on May 17, 2018 which was continued to May 31, 2018. Following the public hearing, the Commission recommended by a 3-1 vote that the City Council certify the Final Environmental Impact Report prepared for the Trinitas Project, adopt Findings of Fact and a Statement of Overriding Considerations in relation to Greenhouse Gas emissions which will exceed Bay Area Air Quality Management District thresholds (BAAQMD), adopt a Mitigation Monitoring and Reporting Program, deny the application for a Planned Development (PD) Overlay District and approve the Use Permits and Design Review Permit subject to the following conditions: the Project be reduced by 10,402 square feet to comply with the 0.4 Floor Area Ratio (FAR) maximum in the General Plan, and the heights of the buildings in the IP-B Zoning District be reduced to comply with the 30-foot height maximum for the IP-B Zoning District. and

WHEREAS, the Planning Commission referred the Project to the ALUC for a consistency determination; and

WHEREAS, on June 6, 2018, the ALUC reviewed the Project, and unanimously determined that the Project is consistent with the ALUCP as required by Section 17.34 of the Napa Municipal Code; and

WHEREAS, the City Council has considered all information related to the Use Permit and Design Review Permit, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff and the City's Environmental Consultant, 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 potential environmental effects of the Project were adequately examined by the EIR for the Project which was certified by a resolution of the City Council adopted on July 17, 2018 in conformance with the applicable provisions of the California Environmental Quality Act ("CEQA") and its implementing regulations.

Section 3. The City Council hereby approves the Use Permit 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.*

1. The Project is consistent with the City's General Plan designation and policies. Specifically:
 - a. Community Character Policy LU-1.6 addresses scenic corridors and identifies SR 221 as a road "to be designated" as a scenic corridor. This policy identifies the need for extensive landscaping along these corridors, including tree planting, as well as undergrounding utilities. The Project as conditioned will provide extensive landscaping in this area, and is also being conditioned to underground the existing above-ground PG&E powerline located along the Project's SR 221 frontage.
 - b. Non-Residential Development Policy LU-5.6. This policy, which addresses free standing or clustered tourist oriented commercial uses, including hotels, states that such uses should be located in areas where the traffic generated by such uses is oriented toward major arterials and highways, away from residential uses and commercial uses that serve residential development. The Project, given its location on SR 221 and roads that serve the corporate park, is consistent with this policy.

- c. Tourism/Hospitality Policy ED 4.4. This policy discusses the importance of promoting and facilitating hotel development within the City limits. The policy also emphasizes the importance of locating hotel uses in the Downtown, but also states that the City's hotel strategy "shall encompass a variety of lodging types to meet the needs of the diverse visitor market attracted to the Napa Valley." This policy concludes stating, "The City should specifically promote hotel development that includes meeting facilities for small conferences." While the proposed hotel use is located a significant distance from the City's downtown, the Project contains a hotel product with a price point that will likely not compete directly with hotels in downtown Napa, where large parcels of vacant land are scarce and expensive, and where construction costs are significantly higher due in part to the need to build structured parking. Both hotel types being proposed (Residence Inn and AC Hotel) include small conference facilities consistent with this General Plan policy.
- d. The Project is not within the boundaries of a Specific Plan.
2. The Project is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. As discussed in the staff report, the Project Site is split by two zoning districts, IPA-A, Industrial Park – Area A and IP-B, Industrial Park – Area B. The IP-A District allows a wider range of uses and contains less restrictive development standards. The proposed hotel building is located within the IP-A District, while the winery and the office building are located within IP-B District. The Project as conditioned is consistent with zoning regulations. 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.

A number of General Plan policies (Health and Safety, HS-6.1 to HS-6.8) address the need to avoid hazards created by aircraft using the Napa County Airport. The ALUCP prepared by the ALUC establishes standards in locating uses within the airport compatibility zones rated A to E, with "A" being the most restrictive and "E" the least restrictive. The ALUCP also establishes the maximum intensity typically allowed in terms of persons per acre for uses located within Zones "C" and "D", but there is no such numerical restriction in Zone "E".

The majority of the Site lies within Zone "E". Approximately 12,400 square feet of the proposed Residence Inn portion of the hotel building is located within ALUC Zone C. While the City's General Plan states that hotel uses are "Not Normally Acceptable" within Zone "C", the ALUCP establishes a threshold of 50 persons per acre in structures within Zone "C". Based on calculations prepared by the City's consultant, the projected density for the portion of the

Residence Inn located within Zone “C” is 46.5 persons per acre, just below the 50 persons per acre maximum. This calculation is based on the assumption that 100% of the rooms in the hotel building are leased and that the number of people within the hotel building is within 80% of the Building Code maximum for hotel uses of 1 person per 200 square feet of building area, with the threshold of 50 persons per acre being exceeded if the number of people in the hotel building exceeds 86% of the Building Code maximum of 1 person per 200 square feet of building area.

In the case of Zone “D” the ALUCP threshold is higher at 100 persons per acre in structures, and 150 persons per acre outside structures. The small parking area of the hotel that is located in Zone “D” does not come near this level of intensity. The City’s Zoning Ordinance has specific review criteria for considering uses proposed within ALUCP Zones “A” to “E,” and the Project is consistent with that criteria.

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

The Project Site is split by two zoning districts, Industrial Park-A (IP-A) and Industrial Park- B, with IP-A allowing a wider range of uses and less restrictive development standards. The proposed hotel building is located within the IP-A designation, while the winery and the office building are located within the IP-B designation. The Project as conditioned complies with all the applicable requirements of the City’s Zoning Ordinance, as detailed in the staff report.

- C. *The proposed project has been referred to the ALUC for a consistency determination.*

The Planning Commission at their meeting on May 31, 2018 referred the Project to the ALUC as required by Section 17.34 of the Municipal Code, and as specifically required by Section 17.34.050.C.2 for the proposed hotel use which is a use classified as “Not Normally Acceptable” within ALUCP Zone C.

- D. *The ALUC has determined that proposed project is consistent with ALUCP compatibility policies and standards.*

On June 6, 2018, the ALUC determined by a unanimous vote that the Project as a whole, including the portion of the hotel use consisting of approximately 12,400 square feet of building area located within ALUCP Zone C as well as a portion of the hotel parking lot located within ALUCP Zone D, to be compatible and consistent with the provisions of the ALUCP, as well as the policies and standards of the ALUC.

Section 4. The City Council hereby approves the Design Review Permit 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 Project is consistent with the land use designation and policies of the General Plan as discussed in Section 3 above. The Project is not within the boundaries of a Specific Plan.

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

While there are no City Design Guidelines applicable to the Site, the Project complies with the Napa Valley Commons Design Guidelines which seek to address business and leisure uses occurring within the 237 acre Napa Valley Commons area.

- 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.*

New non-residential structures may be established with Design Review Permit approval. The Project as conditioned is designed in compliance with the provision and development standards of the Zoning Ordinance, including NMC Section 17.62.060, pertaining to design review; NMC Section 17.08.030, pertaining to property development standards; and NMC Chapter 17.54, pertaining to parking standards. The Project has been appropriately designed and conditioned to ensure compliance with General Plan policies and property development standards and will not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

- D. *The building or structure has been designed to meet Airport Land Use Commission design requirements.*

On June 6, 2018, the ALUC determined that the Project, including the portion of the hotel use consisting of approximately 12,400 square feet of building area located within ALUCP Zone C as well as a portion of the hotel parking lot located within ALUCP Zone D, to be compatible and consistent with the provisions of the ALUCP, as well as the policies and standards of the ALUC.

Section 5. The City Council hereby approves the alternative equivalent proposal attached hereto and incorporated herein as Exhibit A ("Alternative Equivalent Proposal") pursuant to NMC Section 15.94.070 and finds that the proposal will further affordable housing opportunities in the city to an equal or greater extent than payment of the affordable housing impact fees authorized by Chapter 15.94 and implementing resolutions.

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

Community Development Department – Planning Division

1. This Resolution approves a Design Review Permit for the Project and a Use Permit for a winery and a hotel (up to 57 feet in height) on the 11.55 acre project site which shall conform to the Project description dated April 18, 2017 and the plans dated May 1, 2018, which are date stamped received May 1, 2018, last amended May 22, 2018, subject to the following revisions as a result of the Commission's recommendation at their May 31, 2018 meeting to deny the proposed Planned Development Overlay Zoning and to decline to interpret the Zoning Ordinance to allow FAR averaging across the Site and two other noncontiguous properties owned by the Applicant as requested by the Applicant to satisfy the 0.4 FAR maximum in the General Plan. These revisions as directed by the Planning Commission involve reducing the total building square footage of the Trinitas Project by 10,402 square feet so that the Project complies with the maximum permitted FAR of 0.4 FAR within the geographic boundaries of the 11.55 acre Site, and that the maximum height of the winery and office buildings be reduced to meet the 30-foot maximum height permitted in the Industrial Park (IP) B Zoning designation. Revised plans reflecting the preceding revisions will be subject to the review and approval of the Planning Manager.
2. The plans submitted for building permits shall conform to the plans and representations submitted with the application) subject to the revisions as directed by the Planning Commission at its May 31, 2018 hearing as summarized in Condition #1.
3. The plans submitted for a building permit shall include building elevations that provide at a minimum the same level of architectural detail found on the plans submitted for this Project.
4. 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 on the Site.
5. All roof mounted mechanical equipment shall not protrude above the plane level of the roof unless otherwise screened from public view. Any devices used to screen such equipment shall appear as an integrated part of the architectural design, and as such, be constructed of complementary materials and finished in a complementary texture and color scheme to the overall architectural design.
6. All building and ground mounted mechanical and utility equipment, including transformers and backflow devices, must 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. Because transformers and backflow prevention devices are regularly maintained and tested, screening is required to meet certain criteria for the accessibility and visibility. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.

7. All exterior lighting shall be shielded or downwardly oriented to prevent glare onto adjacent properties or into the night sky.
8. Construction activities shall be limited pursuant to NMC 8.08.025 to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. There shall 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 past 5:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.
9. 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.
10. 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.
11. The Planning Manager is authorized to determine whether the Project is in compliance with the requirements and conditions of this resolution.
12. The Applicant shall comply with all mitigation measures identified in the Project EIR (State Clearinghouse Number 2017072005) certified for the Trinitas Project. The timing of implementation for specific mitigation measures shall be as determined in the Mitigation Monitoring and Reporting Program (MMRP) approved for the Trinitas Project, contained herein as Attachment #4 to the staff report prepared for the July 17, 2018 City Council meeting.
13. Prior to the issuance of building permits, the Applicant shall prepare landscape and irrigation plans subject to City review and approval for the length of the Project's 45 to 50 wide landscape/utility easement that is located along the Site's SR 221 frontage. This landscaping shall include approximately 20

additional trees, over and above the tree planting that is currently depicted on the Project plans. In addition to this tree planting, the full width of the 45 to 50 foot wide landscape/utility easement along the Site's SR 221 frontage shall be planted and irrigated with a combination of shrubs and ground cover. This landscaping shall be sufficient, as determined by the City, to visually screen the majority of parked cars on the Site from the view of motorists traveling on SR 221. This landscaping shall be installed prior to the first Project occupancy, and shall be irrigated and maintained in good condition by the Applicant over the life of the Project.

14. In order to provide a suitable area for screen planting as specified under Condition #13, sufficient soil shall be placed by the Applicant along the east side of the 45 to 50 foot wide landscape easement parallel to SR 221 to create an area for planting at a sufficiently high elevation in relation to the road grade of SR 221 to allow the parking lot to be effectively screened from view. The amount and location of the soil placed shall be subject to the review and approval of the City Engineer.
15. The six-foot high sound wall necessary in conjunction with the cabana and restroom/pool equipment structures to shield the hotel's outdoor pool area from SR 221 traffic noise shall be of a decorative masonry design, with the structures and wall providing at least 5dBA in noise reduction to reduce exterior sound levels below the City's "normally acceptable" exterior noise level of 65 dBA. The appearance of the wall shall be subject to the approval of the Planning Manager.
16. The retaining wall proposed along the Project's SR 221 frontage located between the 45 to 50 foot wide landscape/utility easement and the parking area serving the hotel and the winery, shall be clad with decorative materials, with the decorative materials used subject to the review and approval of the Planning Manager.
17. All perimeter fencing shall be of decorative design, and the design and materials used in any such fencing shall be subject to the review and approval of the Planning Manager.
18. Grading easements for any off site grading shall be secured as necessary from the adjacent property owner(s) prior to issuance of grading permits.
19. Additional decorative paving beyond what is depicted in the most recent plans submitted for the Project shall be installed in the drive aisles leading from the main Project entry at Napa Valley Corporate Drive to the drop off points in front of the lobbies to both the AC Hotel and Residence Inn Hotel. The exact location, materials used, and design of such paving shall be subject to review and approval of the Planning Manager.
20. Pedestrian connections shall be constructed leading from the hotel building to the sidewalk being installed along the Project's Napa Valley Corporate Way frontage, and from the office building to the sidewalk being installed on Napa Valley Corporate

Drive. The exact design, location, and materials used for this pedestrian connection shall be subject to the review and approval of the Planning Manager.

21. Conditions Applicable to Winery:

a. This Use Permit authorizes the following winery-related activities:

- (1) Crushing of grapes;
- (2) Aging, processing and storage of wine in bulk;
- (3) Bottling and storage of bottled wine and shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity set forth herein;
- (4) On-Site treatment of wastewater generated by the winery;
- (5) Tastings and retail sales may be provided as ancillary uses to the primary industrial winery use (e.g., manufacturing, bottling, storage) as provided in NMC Sections 17.52.540 and 17.14.020A-F limited to not more than 20% of the gross floor area of the principle use.

b. Approved marketing activities include a tasting room that may operate seven days a week with normal operating hours of 10:00am until 8:00pm. Public tastings as well as private tastings with food pairings may be offered. Onsite retail activities may include all wines made onsite and wine related items (corkscrews, glassware), winery logo items (clothing) and food related items (gourmet packaged foods).

c. All wine production activities shall be conducted in such a manner as to be completely screened from all public view, including from public property/public rights of way as well as from all private property that is accessible to the public, including from all such portions of the Site and from the public areas of the winery building.

d. At no time shall production or storage occupy required parking spaces nor shall fire lanes be obstructed in accordance with City Fire, Health and Safety codes.

e. All persons engaged in or assisting with the sales or service of alcoholic beverages shall complete an approved course on Responsible Beverage Service (RBS) or LEAD (ABC certified) prior to engaging in or assisting in the sales of alcohol.

f. Special events held at the winery event lawn space shall be subject to the following:

1. Use of the event lawn space shall generally be limited to events sponsored by the winery, hotel, or office.

2. Events with amplified sound in the event lawn space shall be scheduled to avoid general business hours of the off-site surrounding offices.
- g. Other special events, such as a “harvest party,” are authorized on private property within the overall site. These events shall be subject to the following conditions:
 1. Events shall occur fully on private property.
 2. Events shall be scheduled outside of peak 4:00 - 6:00pm weekday traffic.
 3. Events shall not displace the parking that is required by on-site uses (hotels, winery, and office) operating during the events.
 4. Through access and on-site circulation shall be maintained.
 5. Events with amplified sound in the event lawn space shall be scheduled to avoid general business hours of the off-site surrounding offices.
 6. No additional signs are authorized as part of implementing special events.
 7. A minimum of 10 days prior to a special event, the Applicant shall notify the Community Development Department (Planning Manager), Police Department, and Fire Department of the planned event.
- h. This permit does not authorize a restaurant, wedding, or other business not directly related to wine production and marketing of the wine produced onsite, unless allowed by a special event permit granted by the City.
- i. Wine production shall be limited based on the capacity of the on-site winery wastewater treatment facility, which as of the date of Project approval (date of Council action) is a maximum of 50,000 cases per year:
 - (1) Wastewater treatment shall be provided on-site and shall include a filtration process to separate liquids and solids. Solids shall be de-watered and disposed of with other refuse materials. Remaining water shall be filtered to a pure state and may be stored in on-site tanks for on-site landscape irrigation. The water tanks shall not connect to pure water storage tanks.
 - (2) The winery shall not rely on “hold and haul” for primary waste treatment. Hold and haul may be utilized only if necessary during an emergency condition.

Community Development Department – Building Division

1. The Applicant shall provide to the Building Division the following at the time of Building Permit application: Note: The list below may not be a complete list.

- a. A completed Building Permit application.
 - b. 7 complete sets of plans for construction for review and approval.
 - c. Energy Compliance documentation for review and approval.
 - d. Waste Reduction and Recycling Program form for review and approval, if applicable.
 - e. A Geotechnical Soils investigation report shall be required for this Project.
2. Verification of the following shall be required prior to Building permit issuance if applicable:
- a. City of Napa Water Connection fee, (707) 257-9521.
 - b. Napa Sanitation District approval, (707) 258-6000.
 - c. Napa Valley Unified School District (must show proof of payment from NVUSD), (707) 253-3549.
 - d. Public Works Encroachment and/or Grading permit, (707) 257-9520.
 - e. Napa County Environmental Health Department approval, (707) 253-6052.
 - f. Bay Area Air Quality Management District "Job" number for projects that require demolition of existing buildings on site, (707) 749-4762.

Public Works Department

24. 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, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards."
25. 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 FUSCOE Engineering dated 13th March 2018 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, and paving. The plans and calculations must be approved by the City Engineer prior to the issuance of the building permit.

- a. 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.
26. The Applicant shall pay a \$5,000 initial cash deposit for city plan check services.
27. IMPROVEMENT PLANS – The following items shall be shown on the improvement plans prior to approval of the plans:
- a. Napa Valley Corporate Drive:
 - (1) Applicant shall replace the northern most driveway approach leading in and out of 2630 Napa Valley Corporate Drive (APN 046-610-018) after the storm drain pipe has been replaced.
 - (2) Applicant shall replace all frontage improvements including curbs, curb and gutter, landscape strip, etc. that are removed and or damaged during the storm drain pipe installation.
 - (3) Applicant shall resurface the entire width of the NB direction from lip of gutter to lip of gutter (or to center island) from the south edge of the 2630 Napa Valley Corporate Drive driveway (replaced under subsection a(1)) to the northern property line.
 - (4) Applicant shall resurface the entire width of the SB direction from lip of gutter to lip of gutter (or to center island) from 10-feet south of the new south sanitary sewer connection to 10-feet north of the new north sanitary sewer connection.
 - (5) Applicant shall upsize the existing storm drain system if the existing drainage system is under capacity.
 - (6) The proposed driveway approach as shown on the plans is not acceptable. The width of the proposed driveway shall match the driveway width and shall be similar to the driveway to the south. The driveway width may be increased subject to the review of turning movements for truck sizes needed to serve the Project. The proposed driveway shall be designed for right-in/right-out movements only.
 - b. Napa Valley Corporate Way:
 - (1) Applicant shall replace the driveway approach once the new recycled water and new sanitary sewer connection are completed.

- (2) Applicant shall replace all the frontage improvements including curbs, curb and gutter, landscape strip, etc. that are removed and or damage during the construction of this Project.
 - (3) The Applicant shall construct sidewalks and curb ramps along the Napa Valley Corporate Way Project frontage terminating in a City Standard Barricade at the start of Caltrans Right-of-Way east of the Project. Curb ramps at the Project driveway shall be Caltrans Standard Case G. Applicant shall resurface the entire width of the WB direction from lip of gutter to lip of gutter (or to center island) from the west edge of the existing driveway to 10-foot pass the domestic water trench connection.
 - (4) The Applicant shall resurface the entire Bordeaux Way intersection.
- c. Bordeaux Way:
- (1) Applicant shall resurface the entire width of the street from lip of gutter to lip of gutter, starting 10-foot south of recycled water point of connection to the Napa Valley Corporate Way intersection.
- d. 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. Unless waived by the Public Works Director, street improvements shall include curbs, gutter, standard 4' sidewalk, 6' planter strip, street paving, street lights, 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. Curb, gutter, standard sidewalk and planter strip, street paving, street lights, driveway approaches, drainage facilities, barricades and street trees shall be installed on the Project's public street frontage.
- g. The Applicant shall provide red curb within 20 feet of the curb return at street intersection.
- h. All existing curb return pedestrian ramps and driveway approaches 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.
- i. Sidewalks and curb ramps meeting current ADA and City Public Works Standards shall be installed at the Project driveways along Napa Valley Corporate Way and Napa Valley Corporate Drive. Curb ramps at the Project driveway shall be Caltrans Standard Case G.
- j. All public street pavement's structural section installations shall include a minimum of 3 inches of Asphalt Concrete over 15 inches of Class 2 Aggregate Base material.

- k. 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.
- l. The Applicant shall provide a pedestrian path of travel between the Project and the nearest bus stop that will serve this Project. Pedestrian access shall include but is not limited to the construction of sidewalk and curb ramps and the dedication of pedestrian easements on private and/or public property as necessary to make the connection.
- m. The improvement plans shall include an Erosion Control Plan.
- n. The improvement plans shall include a Utility Joint Trench Plan.
- o. The improvement plans shall include a Construction Traffic Control Plan.
- p. The improvement plans shall include all the existing utilities including overhead and underground utilities.
- q. 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 Applicant shall resurface the existing street pavement from lip of gutter to lip of gutter 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 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 by the Public Works Department Development Engineering Division and approved by the City Engineer as part of the construction plan review.
 - (2) The Applicant shall repair all pavement, curb, gutter and sidewalk that are damaged by the construction process in accordance with The Public Works Department Standard Specifications and Standard Plans.

- (3) 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.
 - r. For trenching within existing roadway areas, the Applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems.
 - s. 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.
 - t. Contact the City of Napa Fire Department to determine fire sprinkler requirements.
28. 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 development's private 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 street shall be clearly distinguishable from the public street. To accomplish this, either a standard driveway approach shall be installed on Napa Valley Corporate Drive at the site entrance or a 10 foot wide stamped concrete strip shall be installed on the Site (behind the sidewalk) along the right of way line at the Napa Valley Corporate Drive entrance.
 - 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.

29. 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. 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.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.
 - g. Any retaining walls which are greater than one foot in height, which are adjacent to a property line, shall be masonry or concrete. Wood retaining walls shall not be installed adjacent to property lines.
 - h. 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.
 - i. No grading shall be allowed on adjacent property to the north (APN 046-610-011) unless a Notice of Intent and an easement are provided.
 - j. 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.

- k. The roof drainage and downspouts from the buildings 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 line.
- l. 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 Applicant 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 Applicant 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 Applicant shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.
- m. 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)

- (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 Fuscoe Engineering dated September 30, 2016.
- n. 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.
- o. 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.
- 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. Easements 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 15-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 Department Engineering Division and City Attorney and recorded prior to occupancy.
- r. 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.
- s. 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).
30. 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.
31. 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 plans shall show all existing and proposed water facilities (commercial, fire, irrigation, etc.) and easements to the Site and to the adjacent parcel(s).
 - b. The plans shall show all existing water main(s) and applicable tie-in locations, details, etc.
 - c. The plans shall show the size and location of all appropriately sized proposed water services with backflow devices (commercial, fire, irrigation, etc.) with tie-in locations, details, surrounding utilities, etc.
 - d. All existing service laterals to the Site shall be used prior to the installation of new services from the City water main.
 - e. Any unused service shall be abandoned at the City water main.
 - f. Installation of a sufficient number of water main valves as directed by City of Napa Water Division at City-approved locations.
 - g. Installation of a single water service for each category of use with approved backflow devices.

- h. If frontage improvements move the curb line or if new curb is installed along the property frontage, existing water facilities fronting the Project shall be relocated to the new back of curb.
- i. Domestic water shall be supplied by a master meter placed in the public right-of-way with private service laterals extending thereafter to the point-of-use.
- j. A separate dedicated fire service shall be installed from the City water main for fire sprinklers and private hydrants. On-site hydrants, if required, shall be privately owned and maintained.
- k. All new and existing public water facilities, including but not limited to water meters, backflow devices, service laterals, and fire hydrants, shall be located outside of all driveways and driveway approaches.
- l. Approved backflow prevention devices shall be installed on all new and existing domestic, irrigation, and fire water services.
- m. If the domestic and/or fire service double check backflow device is to be installed in a vault or other structure, the plans shall include specifications for the vault or structure and shall specify which backflow device(s) will be placed in the vault or structure.
- n. Installation of additional corrosion protection measures on all public water facilities which at a minimum, shall consist of cathodic protection (CP) test stations, anodes, bond wiring, plastic sleeves, insulating flange gaskets, grounding components, et al. with electrical conductivity that is confirmed, tested and accepted by the City of Napa.
- o. No signs, fences, trees, foundations, streetlights, or other permanent structures shall be installed within 10 feet of a City water main or water facility, or within a public water utility easement. The Applicant shall provide a copy of the landscaping plan to the Water Division for approval prior to the approval of the improvement plans, to ensure these requirements are met.
- p. Fire hydrants shall be kept a minimum of 5-feet from driveways and driveway approaches.
- q. Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations.
- r. Designate applicable on-site fire hydrants as private.
- s. Proposed separations between public water facilities and other utilities shall meet the required minimum separations as specified by the Department of Health and the City of Napa Public Works Standards and shall be approved by the City of Napa Water Division.
- t. Existing services and/or service laterals that conflict with the driveway and driveway approaches shall be abandoned at the main and installed in a new location at the sole cost of the Applicant. Existing service laterals shall not be laterally extended across driveway frontage in order to avoid placement within a

driveway or driveway approach. Existing water facilities located within the proposed driveway, if any, shall be relocated to 3-feet outside the driveway approach.

- u. Relocation of any affected meters, services, hydrants, et al. outside any driveway approach. Abandonment versus relocation shall be at the discretion of the Public Works Water Division.
 - v. Relocation of any affected water facilities and/or appurtenances (e.g. private fire hydrants, backflow devices, meters, etc.).
 - w. Water services may not be shared across property boundaries per Section 13.04.230 of the Municipal Code. Each parcel shall be served by a separate water meter and service from the City main.
 - x. All proposed hot taps to an existing City water main shall be labeled "Hot Tap by City Forces at Contractor's Expense".
 - y. Screening for the above-mentioned backflow devices to address the visual impacts.
 - z. Installation of a sufficient number of water quality monitoring/sampling stations at City-approved locations.
 - aa. Installation of two (2) metered fire service connections as directed by the Fire Marshall at City of Napa approved locations.
32. MISCELLANEOUS - The following items shall be shown on the improvement plans prior to approval of the 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. This Project is subject to the requirements in Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc.
 - c. The three (3) trash enclosures indicated on the plans submitted March 14, 2018 are approved as to their location, configuration and orientation. All enclosures shall have a drain connected to the sanitary sewer and a roof. Plans submitted for building permit review shall include design details (plans/elevations) and be in compliance with the City's trash enclosure guidelines.
 - d. A trash enclosure shall be constructed on the separate parcel where the new two-story office building is proposed to be located. (Note: there is a trash enclosure proposed to be located to the east of the proposed two-story office building, however this enclosure is not on the parcel of the proposed building.)
 - e. As the trash enclosure that currently serves the two existing one-story office buildings at 860 Napa Valley Corporate Drive, AP No. 046-610-008, is being

relocated to the adjacent (separate) parcel, a new trash enclosure shall be constructed on that parcel (AP No. 046-610-008) for the exclusive use of the two buildings.

- f. 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. of new, improved, or remodeled areas; or (c) exceed 5,000 sq. 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.
 - g. The Applicant shall install all new underground utilities required to serve the Project underground.
 - h. The Applicant shall underground the PG&E overhead lines located on the east side of parcels APN 046-610-020 and APN 046-610-009 that run along the west side of State Highway 221. At a minimum three (3) power poles should be undergrounded and deleted.
 - i. The Applicant may submit a request for a credit of the Street Improvement Fee-Underground (SIF-U) Utility component - up to the total amount of the SIF-U in accordance with NMC Section 15.84.040.B. The request will be based on actual construction costs submitted to the City for review.
 - j. 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.
33. 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 pay all required water connection fees. No inspections or water service from the Water Division will be initiated until all connection fees for the

Project have been paid. Submit all required connection fees to the City's Public Works Development Engineering Division at 1600 First Street, Napa, 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 pay an inspection fee 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 submit to the Public Works Department Development Engineering Division a Soils Investigation/Geotechnical Report in accordance with Section 16.36.200 of the City of Napa Municipal Code 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 Title 15 of the City of Napa Municipal Code.
 - f. The Applicant shall pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work. The Applicant shall 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.
 - g. The Applicant shall provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
34. 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.
35. 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 to the City Engineer and approved as to form by 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. The Applicant shall submit any remaining water connection fees to the City of Napa Public Works Water Division at 1340 Clay Street, Napa, 94559.
 - c. The Applicant shall contact the City of Napa Fire Prevention Division to determine fire sprinkler requirements.
 - d. The Applicant shall fulfill all obligations and comply with all requirements regarding the Alternative Equivalent Proposal approved by this Resolution. Prior to issuance of any building permit for the Project, the Applicant shall provide the City with an executed affordable housing agreement consistent with the Alternative Equivalent Proposal and acceptable to the Community Development Director and approvable as to form by the City Attorney. The affordable housing agreement shall comply with the requirements in NMC Section 15.94.080 and shall contain the following terms:
 - (1) The Applicant shall construct no less than 12 units of affordable housing on an off-site property to be acquired by the Applicant.
 - (2) The units shall be rented at an "affordable rent" to "very low-income households" and "low-income households," as such terms are defined in NMC Chapter 15.94; provided however, up to 25% of the units may be rented at an affordable rent to "moderate-income households."
 - (3) The affordable housing agreement shall be for a term of 55 years and shall be recorded against the off-site property on which the units will be constructed.
 - e. 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 Site 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 the Project demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this Project.

- f. Per the Master Fee Schedule effective November 1, 2015 (Policy Resolution 16), the current rate for the Street Improvement Fee for this Project is \$1,906 per room for the hotel use areas, \$4,318 per 1,000 SF for the office use areas, and \$1,069 per 1,000 SF for the winery use areas.

Land Use	Unit	Street Component Rate	Utility Underground Component Rate	Street Component Fee	Utility Underground Component Fee
Hotel	253 rooms	\$1,787/room	\$119/room	\$452,111	\$30,107
Office	29.878 KSF	\$4,048/KSF	\$270/KSF	\$120,946	\$8,067
Winery (manufacturing)	26.214 KSF	\$1,002/KSF	\$67/KSF	\$26,266	\$1,756
				\$599,323	\$39,930

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

36. **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY** - Prior to issuance of a certificate of occupancy for the first building in the Project 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:

- a. The Applicant shall pay a 1.84% fair share contribution to the following improvement: provide additional northbound and southbound through lanes and optimization of signal timing at the intersection of SR 221/Kaiser Road. The Project's fair share percentage for this improvement is 1.84% of the \$2,175,000 improvement cost resulting in a fair share payment equal to \$40,020.
- b. The Applicant shall pay a 3.43% fair share contribution to the following improvement: provide additional northbound and southbound through lanes and optimization of signal timing at the intersection of SR 221/Napa Valley Corporate Way. The Project's fair share percentage for this improvement is 3.43% of the \$2,175,000 improvement cost resulting in a fair share payment equal to \$74,603.
- c. The Applicant shall pay a 2.12% fair share contribution to the selected Caltrans improvement to either replace the existing signal by constructing a fully grade-separated interchange or roundabout at the intersection of SR 12-SR 29/SR 221. The Project's fair share percentage for this improvement is 2.12% of the \$40,000,000 improvement cost or less, depending on the selected improvement.

- d. The Applicant shall pay an 11.20% fair share contribution to the following improvement: restripe westbound approach to one left-turn lane, one shared through/left-turn lane, and one right-turn lane at the intersection of Napa Valley Corporate Drive/Napa Valley Corporate Way. The Project's fair share percentage for this improvement is 11.20% of the \$500 improvement cost resulting in a fair share payment equal to \$56.
- e. The Applicant shall pay 100% of the cost of the following cumulative impact improvement: installation of a traffic signal or a roundabout at the intersection of Napa Valley Corporate Way/Bordeaux Way. The Project's fair share percentage for this improvement is 100% of the \$525,500 improvement cost resulting in a fair share payment equal to \$525,500
- f. The Applicant shall prepare a conceptual design exhibit for the roundabout improvement at the intersection of Napa Valley Corporate Way/Bordeaux Way sufficient to determine right-of-way needs. The Applicant shall dedicate to the City of Napa the right-of-way required to construct a roundabout at the intersection of Napa Valley Corporate Way/Bordeaux Way from the Site as determined by the aforementioned conceptual design exhibit acceptable to the City Engineer and in a form approved by the City Attorney.
- g. The Applicant shall pay a 2.09% fair share contribution to the following improvement: provide an additional through lane in the northbound and southbound direction and optimization of signal timing at the intersection of SR 221/Streblow Drive. The Project's fair share percentage for this improvement is 2.09% of the \$2,175,000 improvement cost resulting in a fair share payment equal to \$45,458.
- h. The Applicant shall pay a 1.73% fair share contribution to the following improvement: provide an additional through lane in the northbound and southbound direction and optimization of signal timing at the intersection of SR 221/Magnolia Drive. The Project's fair share percentage for this improvement is 1.73% of the \$2,060,000 improvement cost resulting in a fair share payment equal to \$35,638.
- i. At the intersection of Soscol Avenue (SR 221)/Imola Avenue (SR 121) under Existing plus Project conditions, the Project Applicant shall pay a 1.39% fair share contribution to the following improvement: optimization of signal timing. The Project's fair share percentage for this improvement is 1.39% of the \$5,000 improvement cost resulting in a fair share payment equal to \$70.
- j. At the intersection of Soscol Avenue (SR 221)/Imola Avenue (SR 121) under Cumulative Plus Project conditions, the Project Applicant shall pay a 1.68% fair share contribution for an additional through lane in the northbound and southbound direction and signal timing optimization. The Project's fair share percentage for this improvement is 1.68% of the \$2,060,000 improvement cost resulting in a fair share payment equal to \$34,608.

- k. The Applicant shall 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.
- l. The Applicant shall 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.
- m. The Applicant shall submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats.
- n. 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 Project.
- o. The Applicant shall submit any remaining meter set and/or hot-tap fees to the Water Division at 1340 Clay Street, Napa, 94559.
- p. The Applicant shall provide the Water Division with written documentation identifying building connections and points of service. The documentation shall include APN of the parcel, street addresses associated with the parcel and the new water service account numbers specific to the addresses and/or parcels being served.
- q. The Applicant shall identify 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 City).
- r. The Applicant shall complete the improvements identified on the Public Street Repair Plan.
- s. The Applicant shall restore all road surfaces to pre-Project conditions after completion of any Project-related pipeline installation activities.
- t. The Applicant shall install all onsite and offsite improvements to the satisfaction of the City Engineer prior to occupancy.
- u. The Applicant shall submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- v. The Applicant shall 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.
- w. 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.

- x. The Applicant shall 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.
- y. The Applicant shall 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.
- z. Prior to Final SW Sign off, the Applicant shall install final permanent stabilization measures at all disturbed areas to insure no sediment laden water discharges from the Site.
- aa. 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.
- bb. The Applicant shall replace any damaged curb and gutter along street frontages in accordance with Public Works Department Standard Specifications prior to occupancy.
- cc. 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.
- dd. 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.
- ee. The Applicant shall furnish proof satisfactory to the City Engineer and approved as to form by 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.

City General Conditions

37. Unless otherwise specifically provided, each condition of approval of this Resolution shall be satisfied prior to issuance of a Building Permit, or if a Building Permit is not required, prior to the commencement of use; however, in the event the subject approval is for a tentative subdivision map or parcel map, each condition shall be satisfied prior to final map approval. Applicant's (and landowner's, if different) execution of the City's improvement agreement with required security may be accepted in lieu of condition completion.
38. 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).
39. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, plans and specifications or other documents submitted for permit approval, 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.
40. The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative 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-judicative 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.
41. 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.
42. If the Applicant is not the owner of the Site, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.
43. 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

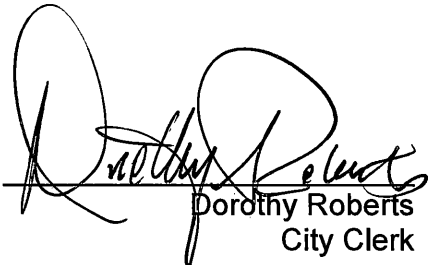
dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions required in connection with the instant approvals has begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.

- 44. 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.
- 45. 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.
- 46. Upon building permit submittal, the Applicant shall submit verification that an aircraft overflight easement on the Site has been granted to the Napa County Airport that provides for the right of aircraft operation, overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.


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

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 17th day of July 2018 by the following roll call vote:

AYES: Gentry, Krider, Sedgley, Techel
 NOES: Mott
 ABSENT: None
 ABSTAIN: None

ATTEST: 
 Dorothy Roberts
 City Clerk

Approved as to form:


 Michael W. Barrett
 City Attorney

GREGORY A. BUSCH ▲
TIMOTHY R. BUSCH *+□
SIMON JOHNSON ■■○○◆
GEORGE P. MULCAIRE
SHEILA M. MULDOON
JOHN C. PEIFFER II
JERRY SCHNAUS
ANTHONY K. ZAND

OF COUNSEL:
PATTERSON BUCHANAN
FOBES & LEITCH, INC., P.S. ++▲▲

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■■ NEVADA
○○ NEW JERSEY
◆◆ NEW YORK
+ TEXAS
□ WASHINGTON, D.C.
++ WASHINGTON

▲ CPA NOT LICENSED TO PRACTICE LAW
▲▲ NOT LICENSED TO PRACTICE
LAW IN CALIFORNIA

July 17, 2018

Via Email: rtooker@cityofnapa.org

Mr. Rick Tooker
City of Napa, Community Development Director
1600 First Street
Napa, CA 94559

Subject: Revised Trinitas Mixed-Use Project Affordable Housing Alternative Proposal
Our File No. 4899.1600.000/756519

Dear Mr. Tooker:

Pacific Hospitality Group Ventures, Inc. (“Applicant”) proposes the following Affordable Housing Equivalent Alternative in lieu of payment of the affordable housing impact fee as part of the Trinitas Mixed-Use Project (“Project”).

Municipal code section 15.94.070 allows for alternative equivalent proposals where an applicant can further affordable housing opportunities within the City to an equal or greater extent than payment of the fees. In this case, the affordable housing fee would be approximately \$1,130,000. With new affordable housing construction averaging more than \$500,000 per unit, the fee would effectively allow for two affordable units.

To provide affordable housing to a greater extent than the fee payment, we propose the following:

- Prior to the issuance of building permits for the Trinitas Mixed-Use Project, Applicant shall place an affordable housing covenant or deed restriction on a residential site within the City limits, of not less than 12 units, thereby ensuring the provision of affordable housing.
- Housing units are intended to be a mix of very low and low income units. Up to 25% of the units may be moderate income units.

Mr. Rick Tooker
July 17, 2018
Page 2

We believe this proposal will deliver greater housing opportunities compared to the fee payment specified by the ordinance.

Very truly yours,



Anthony K. Zand
Attorney at Law
Office: (707) 400-6141
Email: azand@buschfirm.com