

AGREEMENT**PROJECT IMPROVEMENT
AGREEMENT FOR HOTEL OXBOW
(Project No. ENG25-0010)**

This Agreement is made by and between the City of Napa, a municipal corporation in the County of Napa, State of California, hereinafter called "City," and **PACIFIC HOTEL OXBOW, LLC**, hereinafter called "Developer," and dated this ____ day of _____, _____.

RECITALS

A. Developer desires to develop or improve a certain parcel or real property, located in the City of Napa, State of California, described as follows and shown in **Exhibit 'A'** (the "Property"):

Napa County Assessor's numbers:003-235-002, -003, -004, -005, -006, -007, and 003-241-003, -005, -006

B. On April 2, 2024, by its approval of **Resolution R2024-029, Resolution R2024-30, and Resolution R2024-31** (collectively, the "Approval Resolutions"), the City Council vacated and abandoned certain easements on the Property and approved Developer's construction on the Property of **a 123-Room Hotel consisting of two four-story buildings including ancillary hotel guest and public serving uses, and below grade parking ("Project")**, subject to Developer's completion of certain specified improvements at the times set forth in the conditions of approval to the Approval Resolutions; and

C. Section 15.48.010.B of the Napa Municipal Code ("NMC") provides that Developer may satisfy the applicable conditions of approval by executing an agreement with the City pursuant to which Developer agrees to construct the required improvements and by securing the agreement by providing the City with a faithful performance bond or an instrument of credit satisfactory to the City; and

D. As provided by NMC Section 15.48.010.B, this Agreement is intended by City and Developer to constitute Developer's satisfaction of the specified conditions of the Approval Resolutions set forth in Exhibit B hereto, to enable Developer to proceed with development of the Project in accordance with the specified conditions and all other applicable conditions of the Approval Resolutions.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements herein contained, the parties hereto mutually agree as follows:

1. **Construction Obligation:** City agrees to allow Developer to proceed with the Project without Developer first having completed certain Conditions of Approval described in the Approval Resolutions, which conditions are set forth in Exhibit B hereto, and copies of which are on file in the Public Works Department. Developer agrees at Developer's sole cost and expense to cause such improvements to be completed to the City's satisfaction within two (2) years from the date City has executed this Agreement, or prior to occupancy, whichever comes first. No extension of time shall be made except upon the basis of a written application made by Developer to the Public Works Director stating fully the grounds of the application and facts relied upon for such an extension. Any extension may be conditioned upon an increase in security and inspection fees to reflect current costs. Neither such extension nor other delay by City shall constitute a waiver of any of the obligations of Developer or Developer's surety.

2. **Easements and Permits:** Developer shall, at Developer's sole cost and expense: (a) provide any and all rights of way and easements which may be necessary or convenient for said Project and its required improvements (b) obtain all necessary permits, including encroachment permits and licenses for the construction of the required improvements (c) give all necessary notices and (d) pay all fees and taxes required by law.

3. Performance of the Work:

(a) Construction shall commence within a reasonable time. Developer agrees to perform the work of construction of all improvements for said Project in a workmanlike and professional manner, in accordance with all requirements of State and local law, including the Napa Municipal Code, Public Works and other City Standard Specifications, or any subsequent revisions of the same, and according to the plans and specifications approved by the City on _____, prepared by **RSA+**, entitled "**Hotel Oxbow**", Improvement Plans, City of Napa, California, dated _____ consisting of **14** sheets including any associated grading plan filed in the office of the City's Public Works Director. Developer agrees that all details and notes shown on the aforementioned plans shall be made a part of the improvements. Specifically, with respect to any improvements to be constructed by the Developer and dedicated to and accepted by City, Developer shall comply with the applicable provisions of the California Labor Code.

(b) Developer shall secure and ensure that each subcontractor secures a City of Napa business license.

(c) With respect to any required fire retrofit, prior to commencing installation, Developer shall submit to and receive approval from Fire Prevention of plans and specifications for the required improvements prepared by a C-16 contractor or a licensed fire protection engineer. The plans and specifications shall conform with all requirements of state and local law including, without limitations, the Napa Municipal Code and Public Works Standard Specifications. Construction may only occur after Developer has received approval of such plans and specifications and a permit from Fire Prevention.

(d) Developer agrees to keep the public right-of-way clean and free of all building materials.

4. Modifications: Developer reserves the right to modify said plans and specifications as the development progresses should unforeseen conditions occur, providing written approval is first obtained from the City. City also reserves the right to make or require reasonable modifications to the plans and specifications whenever field conditions and/or public safety require such modifications. Developer shall pay the City for all costs including, without limitation, plan check and inspection costs resulting from any such modifications. Developer shall provide personal supervision of the work on the improvements or have a competent contractor, foreman or superintendent on the work at all times its during progress with authority to act for Developer.

5. Compliance and Inspection: All development activity shall be performed in compliance with paragraph 3, all conditions of Project approval and measures imposed to mitigate possible adverse environmental effects of the Project including any monitoring and/or reporting program(s). All improvements shall be inspected by City for compliance with City standards, plans, specifications, regulations and conditions. Concurrent with the execution of this Agreement, Developer shall pay to City the sum of **\$10,000** to cover the costs of inspection.

6. Access to Work: Developer shall allow City's duly authorized representatives access to the work at all times and shall furnish them with every reasonable facility for ascertaining that the methods, materials, and workmanship comply with the requirements and intent of the approved plans. Developer is required to give at least one day's advance notice of the date upon which work is commenced and the date upon which the work is to be completed. City may reject defective work and require its repair, replacement, or removal by Developer, all at no expense to City.

7. Trench Paving: Developer agrees to maintain all excavations in existing streets in a safe condition until the permanent paving is installed. Temporary paving shall be installed at the end of each work day and the paved street area kept opened and available for traffic. Each side of the trench shall be cut to a neat line prior to the placement of the permanent pavement. If the permanent pavement is not

installed within the time limits stated on the plans, or as directed by the Engineer, Developer agrees to pay City to repave the trench, at the rate of Four (\$10.00) Dollars per square foot.

8. Developer Not Agent of City: Neither Developer nor any of Developer's agents or contractors are or shall be considered to be agents of City in connection with the performance of Developer's obligations under this Agreement.

9. Developer Responsibility for Work: Until such time as the improvements which are to be dedicated to and accepted by City are accepted by City, Developer shall be responsible for and bear the risk of loss to any of the improvements constructed or installed, and Developer will be responsible for the care and maintenance of such improvements, as well as any repairs or reconstruction to remedy any damage to such improvements. City shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or improvements specified in this Agreement prior to the completion and acceptance of the work or improvements. Developer shall also have complete and sole responsibility for the health and safety condition on the property; City shall not have control over, charge of, or responsibility for the work or safety means, methods, techniques, or procedures which shall be the responsibility of and are hereby assumed by Developer. Developer at all times shall be responsible for, bear the risk of loss, to care for and maintain any improvement which will not be dedicated to and accepted by City.

10. Developer's Obligation to Warn Public: Until final acceptance of the improvements, Developer shall give good and adequate warning to the public of each and every potentially dangerous condition which exists in said improvements, and will take all reasonable actions to protect the public from such condition (s).

11. Sale or Disposition of Project: Developer is the owner of the subject property or owner has also executed this Agreement to indicate consent to the terms herein. The sale or other disposition of this property will not relieve such parties from the obligations set forth herein. If the property is sold to any other person, the Developer may request a novation of this Agreement and a substitution of security. Upon approval of the novation and substitution of securities, the Developer may obtain a release or reduction of the securities required by this Agreement. Nothing in the novation shall relieve the Developer of the obligations under Paragraphs 23 and 24 for the work or improvements done by or on behalf of Developer.

12. Improvement Security: In order to ensure full and faithful performance of this Agreement, Developer shall file with this Agreement the following security in the type and amounts specified:

- (a) Faithful performance security in the sum of **\$520,035** to cover all costs of public improvements.
- (b) Labor and materials security in the sum of **\$260,018** to ensure payment in full of all persons, firms and corporations who perform labor or furnish materials for work done on said public and private improvements.

13. Form of Security: All security shall be of a type specified in Government Code §66499(a)(1), (2), or (3) and must be satisfactory to and be approved by the City Attorney as to form. In conjunction with the submittal of bonds, the Developer shall furnish the following information:

- (a) The original, or a certified copy, of the unrevoked appointment, power of attorney, bylaws, or other instrument entitling or authorizing the person who executed the bonds to do so; and
- (b) A certificate from the Clerk Napa County that the certificate of authority of the insurer has not been surrendered, revoked, canceled, annulled, or suspended, or in the event that it has, that renewed authority has been granted.

Certificates of deposit shall not be deemed to be satisfactory security unless such certificates provide that the City is the owner of record of such funds. The City shall be the sole indemnity named on any instrument required by this Agreement. In addition to the full amount of the security, there shall be

included costs and reasonable expenses and fees including attorney's and expert's fees incurred in enforcing the obligation secured.

14. Cash Security: Developer shall, upon execution of this Agreement, deposit with City **\$ 0** to be applied at the discretion of City to correct minor deficiencies that may arise during or after the construction of the Project. Upon notice by City, Developer shall pay sufficient monies to City to maintain this cash deposit until inspection of all the improvements and acceptance of public improvement. Any unexpended amount will be returned to Developer at the time all bonds and securities are released.

15. Acceptance of Improvements: No improvement shall be accepted by the City unless and until it is free of all liens and encumbrances, and free of all material defects and conditions which may create a hazard to the public health, safety, or welfare and until Developer has set and established any required survey monuments. Upon completion of final inspection of the improvements described herein, the Developer shall comply with Section 3093 of the Civil Code and shall forthwith deliver to the Public Works Director a copy of the notice of completion required by said section bearing certification of recordation by the County Recorder. In addition, all properties, rights-of-ways, easements, and other interests to be dedicated to the City shall be, before acceptance thereof by the City, free and clear of all liens and encumbrances of any kind or character whatsoever and free of any and all material defects and conditions creating a hazard to public health or public safety.

16. Guarantee and Security: Developer guarantees that all improvements to be dedicated to and accepted by City shall be free from defects of materials or work quality and shall perform satisfactorily for a period of at least one (1) year from and after acceptance of such improvements by City as complete, and the Developer shall repair any defects in any such improvements and replace any defective improvements which cannot be repaired and which occur or arise within said one (1) year period at Developer's own expense. Concurrent with acceptance of improvements, Developer shall enter into a one-year maintenance agreement with City and provide security for performance in the sum of **\$52,004**. Developer shall guarantee all improvements which will not be dedicated to and accepted by City for the duration of the permit described on Page 1 of this Agreement. Should Developer fail to act promptly or in accordance with these requirements, or should the urgencies of the case require repairs or replacements to be made before Developer can be notified, City may, at its option, make the necessary repairs or replacements or contract for the necessary work and Developer shall pay to City the actual cost of such repairs as well as all administrative expenses incurred by City.

17. Exoneration of Surety: City shall not be required to exonerate any surety, release any security relating to satisfactory completion of the improvements or issue occupancy permits until acceptance of proposed public improvements by the City or, in the case of improvements which will not be dedicated to and accepted by City, until the improvements have passed final inspection by City. In addition, release of security, exoneration of sureties and issuance of occupancy permits will be predicated upon the receipt of required maintenance and/or warranty agreements and security therefor as well as payment of all outstanding fees and reimbursements due City.

18. Fees: In addition to the fees for inspection set forth above, Developer shall pay all required City fees at the rates in effect at the time payment is made. Also, Developer shall pay all City Staff Development processing fees which are or may become due pursuant to N.M.C. Chapter 15-92 et seq.

19. Building Permit Requirements: Prior to issuance of any building permit, Developer shall comply with all conditions precedent to issuance, including without limitation, the Uniform Fire Code requirements relating to access and water supply during construction. Developer shall also pay the applicable Property Development Excise Tax as well as all required fees.

20. Default of Developer: Default of Developer shall include, but not be limited to, Developer's failure to timely commence construction under this Agreement; Developer's failure to timely complete construction of the improvements; Developer's failure to timely cure any defect in the improvements; Developer's failure to perform substantial construction work for a period of twenty (20) calendar days after commencement of the work; Developer's insolvency, appointment of a receiver, or the filing of any petition

in bankruptcy either voluntary or involuntary which Developer fails to discharge within thirty (30) days; the commencement of a foreclosure action against the Developer or a portion thereof, or any conveyance in lieu or in avoidance of foreclosure; or Developer's failure to perform any other obligation under this Agreement.

21. Remedies in Event of a Default: In the event of Developer's default:

(a) City reserves to itself all remedies available to it at law or in equity. Any remedies specified herein are in addition to and not in lieu of other remedies available to City. Developer agrees that City has full discretion in choosing the remedy or remedies to pursue and that the failure of City to take enforcement action shall not be construed as a waiver of that or any subsequent default or breach.

(b) Developer, the surety and any person, firm, partnership, entity, corporation, or association claiming any interest in the real property hereinabove described and each of them shall totally reimburse City for its reasonable costs and expenses (including reasonable attorneys fees and costs) including interest thereon at the maximum rate allowed by law from the date of notification of such cost and expense until paid. Such obligation for reimbursement shall not be limited by the amount of the estimates set forth or by such security as may have been provided to City in connection with this Agreement. Such amounts and interest accrued thereon shall constitute a lien on the subject property.

(c) City may enter onto the subject property, take over the work and prosecute the same to completion by contract or any other method City deems advisable, and, in such event, City, without liability for so doing, may take possession of and utilize in completing the work, such materials, appliances, plant and other property belonging to Developer which may be on the site of the work and for the necessary performance of the work.

(d) City may record a Notice of Violation against the property and withhold or revoke all building, zoning and occupancy permits.

22. Hold Harmless: The Developer shall be solely responsible and save City harmless for all matters relating to the payment of Developer employees and agents, including compliance with social security, withholding and all other regulations governing such matters.

23. Indemnification: Developer hereby warrants that the design and construction of required improvements will not adversely affect any portion of adjacent properties and that all work will be performed in a proper manner and in accordance with all applicable laws and regulations. To the full extent permitted by law, Developer agrees to indemnify, defend, release and save harmless City, its officers and employees from and against any and all claims, suits, liabilities, actions, damages, penalties or causes of actions by any person including Developer, owner, their employees and agents for (a) any personal injury, death, or damage to property from any cause whatsoever in whole or in part arising out of or in connection with this Agreement or the actions and obligations hereunder or approval of Developer's Project; and (b) any failure to comply with all applicable laws and regulations including, without limitations, any requirement regarding payment of prevailing wages. This indemnification shall extend, without limitation, to injuries to persons and damages or taking of property resulting from the design or construction of the Project or its improvements and to adjacent property owners as a consequence of diversion of waters or design or construction of public drainage systems, streets or other public projects or arising from the absence of the described improvements. Developer shall so indemnify City regardless of City's passive negligence, City's approval of plans or City's inspection, approval or acceptance of the improvements and notwithstanding any limitation on the amount or type of damages or compensation payable by or for Developer under Workers' Compensation, disability, or other employee benefit acts, the acceptance of insurance certificates required under this Agreement, or the terms, applicability, or limitations of any insurance held by Developer. The provisions of this paragraph shall continue to bind the parties after acceptance/approval of the works of improvement by City.

24. Insurance: Without limiting Developer's indemnification provided herein, Developer shall take out and maintain at all times during the life of this contract the following policies of insurance with

insurers (if other than the State Compensation Fund) with a current A.M. Best's rating of no less than A:VII, or its equivalent, against injury to persons or damage to property which may arise from or in connection with the performance of work hereunder by Developer, its agents, employees or subcontractors:

(a) Workers' Compensation with statutory limits as required by the California Labor Code. Said policy shall contain or be endorsed to provide that the policy shall not be canceled without thirty (30) days prior written notice to City.

(b) Comprehensive or Commercial General Liability Insurance at least as broad as Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001) in an amount of \$1,000,000.00 per occurrence. If work involves explosives, underground or collapse risks, XCU must be included. If a general aggregate limit is used, either the general aggregate limit shall apply separately to this Project or the general aggregate shall be twice the required occurrence limit. The amount of any deductible or self-insured retention over \$100,000.00 shall be declared to and approved by the City's Risk Manager. Said policy shall contain, or be endorsed with, the following provisions:

(1) The City, its officers, employees and agents, are covered as insureds for liability arising out of the operations performed by or on behalf of the Developer, including materials, parts or equipment furnished in connection with such work or operations, with coverage to include products and completed operations of Developer (for public improvements) and premises owned, occupied or used by Developer. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, agents and employees.

(2) The policy shall not be canceled or materially reduced in coverage without thirty (30) days prior written notice ten (10) days for non-payment of premium to City by certified mail.

(3) For claims related to this Project, the Developer's insurance is primary coverage to the City, and any insurance or self-insurance programs maintained by the City is excess to Developer's insurance and will not be called upon to contribute with it.

(4) Any failure to comply with reporting or other provisions of the parties, including breach of warranties, shall not affect coverage provided to City, its officers, employees and agents.

(c) Automobile Liability, with coverage at least as broad as Insurance Services Office form number CA 0001 06 92, Code 1 (any auto), in an amount of \$1,000,000.00 per accident. The amount of any deductible or self-insured retention over \$100,000.00 shall be declared to and approved by the City. Said policy shall contain, or be endorsed with, the provision that coverage shall not be canceled nor reduced in coverage without thirty (30) days prior written notice ten (10) days for non-payment of premium to City by certified mail.

(d) Prior to City's execution of Agreement, Developer shall provide (i) written evidence from its insurance broker, in a form acceptable to the City, demonstrating Developer's ability to obtain the insurance required herein in amounts specified, and (ii) a written covenant that such required insurance shall be bound and in full force and effect prior to the commencement of any construction or work on the project. Prior to start of construction, Developer shall provide properly executed Certificates of Insurance and Endorsements, signed by a person authorized by the insurer to bind coverage on its behalf, evidencing the insurance required herein on forms approved by the City. The amount of any policy deductible or self-insured retention of over \$100,000 shall be included.

(e) Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverage for subcontractors shall be subject to all the requirements stated herein.

(f) In the event the City has agreed to allow the general contractor to provide the required insurance, Developer shall provide City with a letter naming such contractor. Work on the Project

may then only continue as long as that general contractor is engaged as the general contractor on the job. No other general contractor may be substituted unless and until a letter naming the new general contractor is provided to City along with the necessary evidence of all required insurance. In all cases, all required insurance must be bound and in full force and effect prior to the commencement of construction.

25. Recordation: Upon request by City, Developer/Owner agrees to execute and acknowledge a memorandum of this Agreement for recordation with the County Recorder. By recordation of this Agreement or a memorandum hereof, it is the party's intent to provide notice to future purchasers that the obligations and benefits set forth shall run with the land. At its option City may record the Agreement or memorandum or may require Developer, at Developer's cost, to record such Agreement or memorandum and may withhold City permits until proof of recordation is provided to City.

26. Reference: Any reference to a department manager shall include his or her duly authorized deputy or representative.

27. Street Trees:

(a) Developer agrees to plant street trees of the designated species, in accordance with improvement plans and Standard Specifications of the City, along public streets within. The trees shall not be planted until the building occupancy permit is issued or use commenced so that someone on site is available to maintain the street trees.

(b) Developer shall maintain (including replacement) the street trees in a healthy, vigorous and growing condition for a period of one (1) year after each tree is planted. Developer shall deposit with the City \$100.00 per tree to guarantee that the trees will be maintained for the one year period. All trees must be in a healthy, vigorous, growing condition at the end of the one year maintenance period or the replacement of the tree and/or extension of the maintenance period will be required at the discretion of the Parks and Recreation Services Director. At its option, City may use the deposit to maintain/replace the street trees. Any remaining Maintenance Deposit shall be returned to Developer upon satisfactory completion of the maintenance period.

28. General Provisions:

(a) Headings. The heading titles for each paragraph of this Agreement are included only as a guide to the contents and are not to be considered as controlling, enlarging, or restricting the interpretation of the Agreement.

(b) Severability. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.

(c) Governing Law, Jurisdiction, and Venue. The interpretation, validity, and enforcement of this Agreement shall be governed and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Napa.

(d) Attorney's Fees. In the event any legal action is commenced to enforce or interpret this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred, whether or not such action proceeds to judgment.

(e) Modifications. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

(f) Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

(g) Time. Time is of the essence in carrying out the duties hereunder.

(h) Entire Agreement. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the services described herein. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

(i) Each Party's Role in Drafting the Agreement. Each party to this Agreement has had an opportunity to review the Agreement, confer with legal counsel regarding the meaning of the Agreement, and negotiate revisions to the Agreement. Accordingly, neither party shall rely upon Civil Code Section 1654 in order to interpret any uncertainty in the meaning of the Agreement.

(j) Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City.

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, Developer and City have hereunto caused their hands to be subscribed through their duly authorized officers:

CITY OF NAPA:

(Signature)

Jessica Lowe, Public Works Director
(Type name and title)

ATTEST:

(Signature)

Tiffany Carranza, City Clerk
(Type name and title)

COUNTERSIGNED:

(Signature)

Erika Leahy, City Auditor
(Type name and title)

APPROVED AS TO FORM:

(Signature)

Daniel P. Doportto, Special Counsel
to the City of Napa
Type name and title

DEVELOPER:

Pacific Hotel Oxbow, LLC

*(Print name of Developer /form of organization)**

By: _____
(Signature)

By: **David S. Wood, Member**
(Signature)

By: _____
(Signature)

Andrew G. Wood, Member
(Print name and title)

*If Owner is different from Developer,
Owner must sign below*

Property Owner:
SEE NEXT PAGE:

Signatures continue to next page

Signatures continued from previous page

**PROPERTY OWNER:
Foxbow 1, LLC**

By: _____
(Signature)

By: Tim Herman, Manager
(Signature)

Address: **Foxbow 1, LLC**
PO Box 3469
Napa, CA 94558

**PROPERTY OWNER:
Foxbow Development, LLC**

By: _____
(Signature)

By: James B. Leamer, Member
(Print name and title)

)

By: _____
(Signature)

By: Julian Webster, Member
(Print name and title)

Address: **Foxbow Development, LLC**
485 Technology Way
Napa, CA 94558

EXHIBIT A

EXHIBIT DEPICTING CURRENT PROPERTY BOUNDARIES

NAPA CALIFORNIA

NAPA COUNTY FLOOD CONTROL &
WATER CONSERVATION DISTRICT
003-235-001
3,444± SF

FIRST STREET

NAPA COUNTY FLOOD CONTROL &
WATER CONSERVATION DISTRICT
003-241-005
3,556± SF

EXHIBIT A

CITY OF NAPA
003-235-002
(NOT A PART OF PROJECT)
129± SF

SOSCOL AVENUE

DEVELOPER OWNED
003-235-003
6,017± SF

DEVELOPER OWNED
003-235-004
3,320± SF

DEVELOPER OWNED
003-235-005
2,489± SF

DEVELOPER OWNED 1,438± SF

NAPA RIVER

WATER STREET
1,200± SF

WATER STREET
1,20± SF

LAWRENCE STREET

PARCEL B

DEVELOPER OWNED
003-241-006
7,275± SF

DEVELOPER OWNED
003-241-003
8,171± SF

T. FINCH
003-241-004
6,258± SF

WATER STREET
14,400 SF

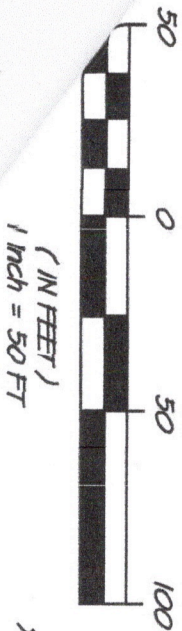
PARCEL E

NAPA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
003-242-001
5,072± SF

PARCEL F
433 WATER STREET LLC
003-242-008

McKINSTRY STREET

GRAPHIC SCALE



RS A⁺

1515 FOURTH STREET
NAPA, CALIF. 94559
OFFICE | 707.1252.3301
+ WWW.RSACIVIL.COM +

RS A⁺ | CONSULTING CIVIL ENGINEERS + SURVEYORS + 1980

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EXHIBIT B

RESOLUTION R2024-029

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Design Review permit is consistent with NMC Title 17 (Zoning Ordinance), and the development standards of the DNSP "Downtown II" District. As conditioned, the proposed Project would not result in any significant impacts. The hotel and its tourist-oriented uses have been appropriately conditioned to minimize any potential impacts to the surrounding neighborhood and therefore would not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

Section 4. The City Council hereby approves the Use Permit for the Project as defined on the plans submitted as a part of the subject application and makes the following findings in support of the approval:

- A. *The proposed use in accord with the General Plan, applicable specific plans, the objectives of the zoning ordinance and the purposes of the district and overlay district in which the site is located.*

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

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

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

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

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

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

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

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

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

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

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

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

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

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

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

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

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

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

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

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

22. The Applicant shall provide a suitable form of forced-air mechanical ventilation, as determined by the Chief Building Official, for all buildings so that windows can be kept closed to control noise.
23. The Applicant shall provide sound rated windows to north, south, and west facing hotel room façades of 711 First Street to maintain interior noise levels at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC Ratings of 26 to 30 or higher would be satisfactory to achieve acceptable interior noise levels, assuming a window to wall ratio of 40 percent or less. The specific determination of what noise insulation treatments are necessary shall be conducted on a room-by-room basis during final design of the project once final building plans are available.
24. Prior to the issuance of grading permits, the Applicant shall prepare a Soil Management Plan, Health and Safety Plan, and a Human Health Risk Assessment to Construction Workers to ensure contaminants of concern do not pose human health risks to future construction and utility workers and general public. The plan shall be reviewed and approved by the Planning Manager.
25. Prior to the issuance of demolition or grading permits, the Applicant shall prepare a GHG Reduction Plan that includes the proper elements to reduce emissions from the project below 660 MT of CO₂e annually. The plan shall be reviewed and approved by the Planning Manager. Elements of this plan may include, but would not be limited to, the following:
 - a. Installation of solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power;
 - b. Install efficient space and water heating systems;
 - c. Develop and implement a transportation demand management (TDM) program to further reduce mobile GHG emissions.
 - d. Construct onsite or fund off-site carbon sequestration projects (such as a forestry or wetlands projects for which inventory and reporting protocols have been adopted). If the project develops an off-site project, it must be registered with the Climate Action Reserve or otherwise approved by the BAAQMD in order to be used to offset Project emissions;
 - e. Purchase of carbon credits to offset Project annual emissions. Carbon offset credits must be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by the California Air Resources Board or BAAQMD. The preference for offset carbon credit purchases include those that can be achieved as follows: 1) within the City; 2) within the San Francisco Bay Area Air Basin; 3) within the State of California; then 4) elsewhere in the United States. Provisions of evidence of payments, and funding of an escrow-type account or endowment fund would be overseen by the City.

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

FIRE DEPARTMENT – FIRE PREVENTION DIVISION

33. The Project shall comply with all applicable provisions of NMC Chapter 15.04.
34. The Applicant shall pay the Fire Impact Fees (see current Standard Fees and Charges adopted by resolution), prior to the issuance of any building permits.

PUBLIC WORKS DEPARTMENT

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

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

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

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

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

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

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

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

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

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

- u. The roof drainage and downspouts from the building shall not be allowed to discharge into the adjacent properties, and the gutter downspouts and drainage need to be directed away from the adjacent property lines.
 - v. The drainage from the parking pits shall not be allowed to discharge into the storm drain system. Parking pit drainage shall be discharged into the sanitary sewer system.
43. CONSTRUCTION WATER QUALITY MEASURES – In accordance with the NPDES Construction General Permit, the property owner shall insure that the Applicant and the contractor incorporate storm water quality Best Management Practices (BMP's) into the Project construction process.
- a. **Project > 1 acre of disturbance:** Provide an Erosion and Sediment Control Plan (ESCP) and a State Stormwater Pollution Prevention Plan (project disturbance >1 acre), as required per the States Construction General Permit. A copy of the Stormwater Pollution Prevention Plans (SWPPP) along with waste discharge identification number (WDID) will need to be provided to the Public Works – Stormwater Program prior to grading permits. http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml

PLEASE NOTE: Item above does not require a separate Erosion and Sediment Control Plan (ESCP). The ESCP is a part or element of these plans; however, the SWPPP must address all elements of the required ESCP. See ESCP template at: <http://www.cityofnapa.org/574/Stormwater-Quality>

- (i) The construction BMPs shall be shown on the project Erosion and Sediment Control Plan (ESCP).
- (ii) The project property owner shall insure that the contractor manages all construction activities; and handles, stores and disposes of all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to the maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains and solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drains, ground water, and/or waterways.
- (iii) The project property owner shall insure that the contractor incorporates spill prevention and cleanup measures into the construction operation. All discarded materials shall be removed from the site and disposed of at an approved disposal facility.
- (iv) The project property owner shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.

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

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

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

facilities shall be located a minimum of one-foot above BFE or designed to be flood proofed/watertight to one-foot above BFE as per FEMA Technical Bulletin 3-93. Improvement Plans shall provide details on how utilities will comply with this requirement.

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

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

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

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

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

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

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

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

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

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

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

UTILITIES DEPARTMENT – WATER DIVISION

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

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

OR

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

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

UTILITIES DEPARTMENT – SOLID WASTE AND RECYCLING DIVISION

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

NAPA SANITATION DISTRICT

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

CITY GENERAL CONDITIONS

59. The plans submitted for improvement plan review and Building Permit review shall include a written analysis specifying how each of the conditions of approval have

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

60. Unless otherwise specifically provided in this resolution, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.
61. No use authorized by this permit may commence until after the Applicant executes any required permit agreement required by previously stated conditions of approval.
62. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
63. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, plans and specifications, or other approved documents, to comply with the General Plan, any applicable Specific Plan, the NMC, City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, and the approved tentative map, site plan, plans and specifications, and other approved documents.
64. The time limit within which to commence any lawsuit or legal challenge to any quasi-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.
65. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees harmless from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the applications relating to the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of Project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.

66. If the Applicant is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.
67. The conditions of Project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions required in connection with the instant approvals has begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
68. Violation of any term, condition, mitigation measure or Project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
69. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this Project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.
70. The Use Permit and Design Review Permit shall become effective on the day following Council's approval of this Resolution and shall expire 2 years from the date of this Resolution unless extended by the City Council in accordance with the provisions in NMC Chapter 17.68.
71. The Certificate of Appropriateness approved by Resolution R2020-135 shall remain effective for the term of the Use Permit and Design Review Permit, subject to expiration, revocation, and extension in accordance with the provisions in NMC Chapter 17.68.
72. This Resolution shall supersede in its entirety Resolution R2020-134.

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

AYES: Alessio, Painter, Narvaez, Sedgley

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: Lueros

ATTEST: 
Tiffany Carranza
City Clerk

Approved as to form:

for 
Michael W. Barrett
City Attorney

Sabrina S. Wolfson, Asst. City Attorney

EXHIBIT "A"

CHAPTER 6

Mitigation Monitoring and Reporting Program

A. Introduction

When approving projects with Environmental Impact Reports (EIRs) that identify significant impacts, the California Environmental Quality Act (CEQA) requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant effects (Public Resources Code Section 21081.6(a)(1)). A public agency is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The mitigation measures required by a public agency to reduce or avoid significant project impacts not incorporated into the design or program for the project may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

The MMRP includes the mitigation measures identified in the EIR required to address the significant impacts associated with the proposed project. The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures is presented in the Draft EIR in Chapter 2, Summary, except as revised in this Final EIR. The mitigation revisions in the Final EIR include revisions to Mitigation Measures 4.B-2, 4.B-3, 4.C-1a, and 4.D-1, as presented in Chapter 2 of this document. The revisions to these mitigation measures were made to reflect required implementation procedures in the Mitigation Monitoring and Reporting Program.

B. Format

The MMRP is organized in a table format (see **Table 6-1**), keyed to each significant impact and each EIR mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- **Mitigation Measures adopted as Conditions of Approval:** This column presents the mitigation measure identified in the EIR.
- **Implementation Procedures:** This column identifies the procedures associated with implementation of the migration measure.

EXHIBIT "A"

- **Monitoring Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks.
- **Monitoring and Reporting Action:** This column refers the outcome from implementing the mitigation measure.
- **Mitigation Schedule:** The general schedule for conducting each mitigation task, identifying where appropriate both the timing and the frequency of the action.
- **Verification of Compliance:** This column may be used by the lead agency to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

C. Enforcement

If the Specific Plan is adopted, the MMRP would be incorporated as a condition of approval for all future projects in the Planning Area. As such, all mitigation measures for significant impacts must be carried out in order to fulfill the requirements of approval. A number of the mitigation measures would be implemented during the course of the development review process for future projects in Downtown. These measures would be referenced on architectural, development and similar plans, in technical reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction or project implementation phase.

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**TABLE 6-1
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
B. Air Quality and Greenhouse Gases					
<p>Mitigation Measure 4.B-1: In order to be consistent with the MSM A-1 and MSM A-2 transportation control measures (TCMs) listed in Table 4.B-4, the City shall require that the following measures be included as potential Transportation Demand Management (TDM) strategies to be implemented by individual project applicants, where feasible and appropriate:</p> <ul style="list-style-type: none"> • Install charging units for electric vehicles at residences and businesses. • Develop incentives for businesses to include preferential parking for electric and/or hybrid vehicles. (As required by the 2010 California Green Building Standards Code, Chapter 5, Section 5.106.5.2) 	<p>A project applicant, as appropriate for a proposed project, will hire a qualified consultant, approved by the City of Napa, to prepare a Transportation Demand Management Plan (to be implemented by the project applicant) that adheres to all specifications in this measure.</p> <p>The TDM will verify in writing that the plan adheres to all of BAAQMD's guidance which is applicable to the project.</p>	<p>City of Napa Public Works Traffic Engineer; Economic Development, Building Official</p>	<p>Review of TDM plan. Verify inclusion of TDM strategies in applicable construction plans and specifications.</p>	<p>During permit processing.</p>	<p><i>Ongoing</i></p>
<p>Mitigation Measure 4.B-2: The City shall ensure that all projects in the Planning Area incorporate the following measures to reduce or avoid exposure of sensitive receptors to TACs:</p> <p>For construction activities, measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site. • Use new diesel engines that are designed to minimize DPM emissions (usually through the use of catalyzed particulate filters in the exhaust), or retrofitting older engines with catalyzed particulate filters which would reduce up to 85 percent of DPM emissions. <p>For operational activities, in order to comply with the <i>Air Quality and Land Use Handbook: A Community Health Perspective</i> (ARB 2005) and achieve an acceptable interior air quality level for sensitive receptors, appropriate measures, shall be incorporated into residential building design. For projects to be developed under the Specific Plan that include residential receptors within 1,000 feet of a source of TACs (stationary or CNR railroad), the appropriate measures shall include one of the following methods (As required</p>	<p>Prior to approval of projects within the Planning Area, ensure that each project's specifications will incorporate measures to reduce or avoid exposure to TACs, as feasible.</p>	<p>City of Napa Community Development Department; planner assigned to project.</p> <p>Building Official; Field Inspector</p>	<p>Verify incorporation of specifications into construction plans and project design.</p>	<p>Prior to approval of demolition permit or grading permit.</p> <p>and</p> <p>During construction through to issuance of occupancy permit.</p>	<p><i>Ongoing</i></p>

¹ In this Mitigation Monitoring and Reporting Program table, every subsequent development project undertaken pursuant to the Specific Plan would be required to adhere to each mitigation measure.

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TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
B. Air Quality and Greenhouse Gases (continued)					
<p>by the 2010 California Green Building Standards Code, Chapter 5, Section 5.106.5.2):</p> <ol style="list-style-type: none"> 1. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the ARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents to TACs prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required. 2. The project applicant shall implement the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These shall be submitted to the Planning Division and the Building Division for review and approval prior to the issuance of a demolition, grading, or building permit and ongoing. <ol style="list-style-type: none"> a. Do not locate sensitive receptors near distribution center's entry and exit points. b. Do not locate sensitive receptors in the same building as a perchloroethylene dry cleaning facility. c. Maintain a 50' buffer from a typical gas dispensing facility (under 3.6 million gallons of gas per year). d. Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets the efficiency standard of the MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used. e. Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the mobile and/or stationary pollutant sources. 					

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TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
B. Air Quality and Greenhouse Gases (continued)					
<p>f. Maintain positive pressure within the building.</p> <p>g. Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.</p> <p>h. Achieve a performance standard of at least 4 air exchanges per hour of recirculation</p> <p>i. Achieve a performance standard of 0.25 air exchanges per hour of in unfiltered infiltration if the building is not positively pressurized.</p> <p>j. Project applicant shall maintain, repair and/or replace HV system or prepare an Operation and Maintenance Manual for the HV system and the filter. The manual shall include the operating instructions and maintenance and replacement schedule. This manual shall be included in the CC&R's for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate Homeowners Manual. The manual shall contain the operating instructions and maintenance and replacement schedule for the HV system and the filters. It shall also include a disclosure to the buyers of the air quality analysis findings.</p>					
<p>Mitigation Measure 4.B-3: The City shall ensure that individual project applicants incorporate the following measures to reduce or avoid exposure of sensitive receptors to odors during development under the Specific Plan:</p> <ul style="list-style-type: none"> Consider the odor-producing potential of land uses when the exact type of facility that would occupy areas zoned for commercial or mixed-use land uses is determined. Facilities that have the potential to emit objectionable odors would be located with appropriate buffers from existing and proposed sensitive receptors. <p>Identify odor control devices within building permit applications to mitigate the exposure of receptors to objectionable odors if a potential odor-producing source is to occupy the Planning Area. The identified odor control devices would be installed before the issuance of certificates of occupancy for the potentially odor-producing use.</p>	<p>Prior to approval of individual projects within the Planning Area, ensure that each project's specifications comply with this measure.</p>	<p>City of Napa Community Development Department; planner assigned to the project, building official, and building plan checker</p>	<p>Verify incorporation of specifications into project design.</p>	<p>Prior to issuance of building permits and Prior to issuance of occupancy permits.</p>	<p>Ongoing</p>

EXHIBIT "A"

TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
B. Air Quality and Greenhouse Gases (continued)					
Mitigation Measure B-4: Implement Mitigation Measure 4.B-1 to ensure consistency with the BAAQMD TCMs to promote clean, fuel efficient and zero emission vehicles.	See Mitigation Measure 4.B-1.				
Mitigation Measure 4.B-5: The City shall ensure that applicant(s) for individual projects to be developed under the Specific Plan would incorporate Green Building and Development Measures as listed in Appendix C (AIR-2). Each increment of new development under the Specific Plan requiring a discretionary approval from the City (e.g., proposed tentative subdivision map, conditional use permit), would demonstrate that GHG emissions from operation would be reduced by 30 percent from business-as-usual 2020 emissions levels, in order to achieve 1990 levels by 2020.	Incorporate Green Building and Development Measures into project design and demonstrate GHG emissions from operations would adhere to reduction goals set by the City.	City of Napa Community Development Department, planner assigned to project and building plan checker	Ensure compliance of individual project applications with Green Building and Development Measures.	During permit processing.	<i>Ongoing</i>
Mitigation Measure B-6: Implement Mitigation Measure 4.B-5 to reduce GHGs.					
C. Biological Resources					
Mitigation Measure 4.C-1a: The City shall ensure that subsequent projects in the Planning Area incorporate the following measures to reduce or avoid impacts to fish species: <ul style="list-style-type: none"> Avoid, reduce, or compensate for indirect impacts to fish species; for example, removal of riparian vegetation would require compensatory shade plantings. Design creek and river crossings so as to maintain connectivity and allow for unimpeded flow of water, and if at all possible avoid building piers or footings within the channel. 	Incorporate all specifications of this measure into project design and development to reduce or avoid impacts to fish species.	City of Napa Community Development Department; planner assigned to the project.	Ensure incorporation of all specifications of these measures into project design and development.	Prior to construction permits.	<i>Ongoing</i>
Mitigation Measure 4.C-1b: Pre-Construction Special-Status Avian Surveys. No more than two weeks in advance of any tree or shrub pruning, removal, or ground-disturbing activity that will commence during the breeding season (February 1 through August 31), a qualified wildlife biologist will conduct pre-construction surveys of all potential special-status bird nesting habitat in the vicinity of the planned activity. Pre-construction surveys are not required for construction activities scheduled to occur during the non-breeding season (August 31 through January 31). Construction activities commencing during the non-breeding season and continuing into the breeding season do not require surveys (as it is assumed that any breeding birds taking up nests would be acclimated to project-	The project applicant will prepare construction plans that incorporate pre-construction surveys and buffer zones. If required, avoidance procedures will be implemented. The project applicant will hire a qualified biologist and the project applicant and its contractor(s) will engage the qualified biologist to conduct pre-construction surveys as described.	City of Napa Community Development Department; planner assigned to the project.	Approve a qualified biologist. Review pre-construction survey reports. If active nests are found, inspect construction site to confirm buffer zones.	No more than 14 days before start or restart of construction during the months of February to August.	<i>Ongoing</i>

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TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
C. Biological Resources (cont.)					
<p>related activities already under way). Nests initiated during construction activities would be presumed to be unaffected by the activity, and a buffer zone around such nests would not be necessary. However, a nest initiated during construction cannot be moved or altered.</p> <p><i>If pre-construction surveys indicate that no nests of special-status birds are present or that nests are inactive or potential habitat is unoccupied: no further mitigation is required.</i></p> <p><i>If active nests of special-status birds are found during the surveys: implement Mitigation Measure 4.C-1c.</i></p>					
<p>Mitigation Measure 4.C-1c: Avoidance of active nests. If active nests of special-status birds or other birds are found during surveys, the results of the surveys would be discussed with the California Department of Fish and Game and avoidance procedures will be adopted, if necessary, on a case-by-case basis. In the event that a special-status bird or protected nest is found, construction would be stopped until either the bird leaves the area or avoidance measures are adopted. Avoidance measures can include construction buffer areas (up to several hundred feet in the case of raptors), relocation of birds, or seasonal avoidance. If buffers are created, a no disturbance zone will be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted will take into account factors such as the following:</p> <ol style="list-style-type: none"> Noise and human disturbance levels at the Plan area and the nesting site at the time of the survey and the noise and disturbance expected during the construction activity; Distance and amount of vegetation or other screening between the Plan area and the nest; and sensitivity of individual nesting species and behaviors of the nesting birds. 	Incorporate all specifications of this measure into project design and development to reduce or avoid impacts to active nests of special-status birds or other birds found during the surveys.	City of Napa Community Development Department; planner assigned to the project.	Ensure incorporation of all specifications of these measures into project design and development.	Prior to construction permits.	Ongoing
D. Cultural Resources					
<p>Mitigation Measure 4.D-1: The City shall require that any future development under the Specific Plan meets the intent and goals of the City of Napa Downtown Historic Design Guidelines. This includes any project that would alter historic resources or would be constructed adjacent to a historic resource.</p>	Ensure that each subsequent project in the Planning Area complies with the Downtown Historic Design Guidelines.	City of Napa Community Development Department; planner assigned to the project.	Ensure compliance of individual project applications with City of Napa Downtown Historic Design Guidelines.	Prior to project approval.	Ongoing

EXHIBIT "A"

TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
D. Cultural Resources (cont.)					
<p>Mitigation Measure 4.D-2a: When specific projects are proposed under the Specific Plan that involves ground-disturbing activity into native soils, the City's "Pastfinder" archaeological database shall be consulted. Recommendations provided by the "Pastfinder" database shall be implemented based on a parcel's archaeological sensitivity. In those cases where a site-specific cultural resources study is necessary, it shall be performed by qualified cultural resources professional. The study will include an updated records search, pedestrian survey of the project area, development of a historic context, sensitivity assessment for buried prehistoric and historic-period deposits, and preparation of a technical report that meets federal and state requirements. If significant resources are identified and cannot be avoided, treatment plans will be developed in consultation with the City and Native American representatives to mitigate potential impacts to less than significant.</p>	<p>The project applicant will hire a qualified cultural resources professional to conduct an evaluation, and if necessary, will prepare a site-specific cultural resources study in accordance with the specifications of this measure.</p> <p>If necessary, treatment plans will be developed in consultation with the City and Native American representatives.</p>	<p>City of Napa Community Development Department; planner assigned to project.</p>	<p>Review and approval of the cultural resources professional's technical report(s).</p> <p>If significant resources are identified and cannot be avoided, review and approval of treatment plans in consultation with Native American representatives.</p>	<p>Prior to project approval.</p>	<p>Ongoing</p>
<p>Mitigation Measure 4.D-2b: Should any archaeological artifacts be found during construction in the Planning Area, all construction activities within 50 feet shall immediately halt and the City must be notified. A qualified archaeologist shall inspect the findings within 24 hours of the discovery. If the site is determined to contain significant cultural resources, funding will be provided to identify, record, report, evaluate, and recover the resources as necessary. Construction within the area of the find shall not recommence until impacts on the historical or unique archaeological resource are mitigated. Additionally, Public Resources Code § 5097.993 stipulates that a project sponsor must inform project personnel that collection of any Native American artifact is prohibited by law.</p>	<p>The project applicant will provide documentation to the City that project personnel were given training regarding the illegality of collecting Native American artifacts.</p> <p>If archaeological artifacts are found, project applicant and its contractor(s) will halt all construction activities within 50 feet and notify the City. Qualified archaeologist will inspect the findings within 24 hours of the discovery. Identify record, report, evaluate, and recover the resources as necessary. Upon full mitigation City will give approval for recommencement of construction within the area.</p>	<p>Community Development Department; planner assigned to project, building official, and building plan checker</p>	<p>Review and approve documentation that project personnel have been trained regarding the illegality of collecting Native American artifacts.</p> <p>Ensure construction within 50 feet of found archaeological artifacts halted; ensure notification of City has occurred; review and approve selection of qualified archaeologist; review and approve archaeologist's report of recovery. Upon full mitigation of historical or unique archaeological resource(s), give approval for recommencement of construction within the area.</p>	<p>Prior to demolition or grading permit (whichever occurs first); ongoing during demolition, grading, and construction.</p>	<p>Ongoing</p>

EXHIBIT "A"

**TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
D. Cultural Resources (cont.)					
<p>Mitigation Measure 4.D-3: Prior to the start of any subsurface excavations that would extend beyond previously disturbed soils, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology (SVP), who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and will follow proper notification procedures in the event any are uncovered during construction. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who will evaluate its significance. Training on paleontological resources will also be provided to all other construction workers, but may involve using a videotape of the initial training and/or written materials rather than in-person training by a paleontologist. If a fossil is determined to be significant and avoidance is not feasible, the paleontologist will develop and implement an excavation and salvage plan in accordance with SVP standards.</p>	<p>All construction forepersons, field supervisors, and construction workers shall receive training by a qualified professional paleontologist; the training shall conform to all specifications of this measure. Project sponsor will provide documentation of such trainings to the City.</p> <p>The paleontologist will develop and implement an excavation and salvage plan in accordance with the specifications of this measure.</p>	<p>City of Napa Community Development Department; planner assigned to project and building official.</p>	<p>Review and approve project sponsor's documentation of trainings of forepersons, field supervisors and all construction workers.</p> <p>Review and approve paleontologist's excavation and salvage plan.</p>	<p>Prior to demolition or grading permit (whichever occurs first); prior to the start of any subsurface excavations.</p>	<p><i>Ongoing</i></p>
<p>Mitigation Measure 4.D-4: The treatment of any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities shall comply with applicable state laws. Such treatment would include immediate notification of the Napa County Coroner. In the event of the coroner's determination that the human remains are Native American, the coroner shall notify of the Native American Heritage Commission, which would appoint a Most Likely Descendant (MLD) (PRC § 5097.98). The archaeological consultant, the Event Authority, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines § 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties could not agree on the reburial method, the Event Authority shall follow Section 5097.98(b) of the PRC, which states that "the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."</p>	<p>Upon discovery of human remains and associated or unassociated funerary objects, the project applicant will immediately notify Napa County Coroner and City of Napa project planner. After such notification, the archaeological consultant, project applicant, Native Heritage Commission, and Most Likely Descendant (MLD) will develop an agreement in accordance with the specifications of this measure and state law.</p> <p>If the MLD and the other parties could not, applicant will reinter the human remains in accordance with the specifications of this measure and state law.</p> <p>The project applicant will incorporate the specifications of this measure into project specifications and grading and construction plans.</p>	<p>City of Napa Community Development Department; planner assigned to project and field inspector.</p>	<p>Ensure prompt notification of Napa County Coroner; if remains are determined to be Native American, review Coroner's report to Native American Heritage Commission.</p> <p>Facilitate consultation between archaeological consultant, project applicant, Native Heritage Commission and Most Likely Descendant over the allowed 48 hours.</p> <p>If agreement is reached, review report(s) by archaeological consultant and project applicant of actions taken and final disposition of human remains and associated or unassociated funerary objects. Ensure that report(s) are provided to Most Likely</p>	<p>Ongoing during grading and construction of individual projects.</p>	<p><i>Ongoing</i></p>

EXHIBIT "A"

TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
D. Cultural Resources (cont.)					
Mitigation Measure 4.D-4 (cont.)			<p>Descendant and his or her tribe, as well as to the local information center.</p> <p>If agreement is not reached, review and approve project applicant's reinterment plan and archaeological consultant's report(s) on reinterment. Forward report(s) to Most Likely Descendant and his or her tribe, as well as to the local information center.</p>		
I. Noise					
<p>Mitigation Measure 4.I-1a: Construction contractors for subsequent development projects within the Planning Area shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, etc.) when within 400 feet of sensitive receptor locations. Additional techniques shall include, but not be limited to the following noise control elements:</p> <ul style="list-style-type: none"> • Non-residential construction project activities (Monday through Friday) shall be limited to the hours of 7:00 a.m. to 7:00 p.m. with no start up of machines or equipment prior to 8 a.m. No delivery of materials nor equipment shall occur prior to 7:30 a.m. or after 5:00 p.m. No cleaning of machines or equipment shall occur after 6:00 p.m. No servicing of equipment shall occur past 6:45 p.m. Construction of weekends and holidays shall be limited to the hours of 8:00 a.m. to 4:00 p.m., unless a permit allows otherwise. <p>Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used;</p>	<p>The project applicant will incorporate the specifications of this measure into project specifications and grading and construction plans.</p>	<p>City of Napa Community Development Department; planner assigned to project, building official, and field inspector.</p>	<p>Review and approve project specifications and grading and construction plans for inclusion of specifications in this measure.</p> <p>Inspect site during construction to ensure compliance with project specifications and grading and construction plans.</p>	<p>Prior to issuance of building and grading permit(s).</p> <p>Field inspections during construction.</p>	<p><i>Ongoing</i></p>

EXHIBIT "A"

TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
I. Noise (cont.)					
<p>this muffler shall achieve lower noise levels from the exhaust by approximately 10 dBA. External jackets on the tools themselves shall be used where feasible in order to achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible;</p> <ul style="list-style-type: none"> All construction equipment shall not be placed adjacent to developed areas unless said equipment is provided with acoustical shielding. <p>Signs shall be posted at all construction site entrances to the property upon commencement of project construction, for the purposes of informing all contractors and subcontractors, their employees, agents, materialmen, and all other persons at the construction site, of the basic requirements of Mitigation Measures 4.1-a through 4.1-c.</p>					
<p>Mitigation Measure 4.1-1b: Should pile-driving be necessary for a proposed project, the project sponsor would require that the construction contractor limit pile driving activity to the least disturbing hours of the day. To further mitigate pile driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. No extreme noise-generating activities shall be allowed on weekends and holidays. Techniques included may include but not be limited to the following:</p> <ul style="list-style-type: none"> Erect temporary plywood noise barriers around the construction site, Implement "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; Use noise control blankets on building structures as buildings are erected to reduce noise emission from the site; Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and <p>Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p>	<p>The project applicant will incorporate the specifications of this measure into project specifications and grading and construction plans.</p>	<p>City of Napa Community Development Department; planner assigned to project, building official, and field inspector</p>	<p>Review and approve project specifications and grading and construction plans for inclusion of specifications in this measure.</p> <p>Inspect site during construction to ensure compliance with project specifications and grading and construction plans.</p>	<p>Prior to issuance of building and grading permit(s).</p> <p>Field inspections during construction.</p>	<p>Ongoing</p>

EXHIBIT "A"

TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
I. Noise (cont.)					
Mitigation Measure 4.1-1c: The City shall condition approval of projects in the Planning Area near receptors sensitive to construction noise, such as residences and schools, such that, in the event of a justified complaint regarding construction noise, the City would have the ability to require changes in the construction practices to address the noise complaints.	Approval of permits for projects adjacent to sensitive receptors will be conditioned upon the City's ability to require changes in the construction practices to address justified noise complaints. Project applicants will post the City's noise complaint procedure in publicly accessible locations at each construction site.	Community Development Department; planner assigned to project and code enforcement officer.	Review all noise complaints received; assess whether noise complaints are justified; alert Project Sponsor of revised construction practices. Inspect site during construction to ensure compliance with revised construction practices.	At approval of project specifications, grading permits and building permits; ongoing during demolition, grading, construction.	Ongoing
Mitigation Measure 4.1-3: Groundborne vibration exposure to proposed Specific Plan residences within 200 feet of the mainline track shall be analyzed in a detailed vibration study by a qualified acoustical engineer to determine if vibration isolation shall be required in building design, such as supporting the new building foundations on elastomer pads similar to bridge bearing pads. The results of each study shall be submitted to the City prior to project approval.	Retain qualified acoustical engineer to determine if vibration isolation shall be required in building design; if so; incorporate such measures into project design. Ensure that each subsequent development projects undertaken pursuant to the Specific Plan that are subject to vibration exposure, adhere to vibration study recommendations, as feasible.	Community Development Department; planner assigned to project and field inspector.	Approve consultant selection and scope of work. Ensure project design incorporates qualified acoustical engineer's recommendations. Review and approve project plans, demolition plans, grading plans and constructions plans for adherence to the Specific Plan's design guidelines.	Prior to project approval. Inspect site during construction to ensure compliance with project specifications and grading and construction plans.	Ongoing
L. Transportation and Traffic					
Mitigation Measure 4.L-1a: The City shall continue to coordinate with Caltrans to install a traffic signal at the intersection of SR 29 Northbound Off-ramp / First Street or identify other acceptable alternatives to the signal. If the signal pursued, the City shall work closely with Caltrans to ensure that the signal timing is properly synchronized with the closely spaced intersection to the east at California Boulevard / First Street.	The City of Napa Public Works Department will contact Caltrans regarding the signal and work with Caltrans to address this issue.	City of Napa Public Works Department, project engineer; City of Napa community Development Department. Caltrans.	Approval of intersection improvements by City Public Works and Caltrans.	Prior to issuance of an encroachment permit.	Ongoing
Mitigation Measure 4.L-2b: The City shall continue to coordinate with Caltrans to install a traffic signal at the intersection of SR 29 Northbound Off-ramp / First Street or identify other acceptable alternatives to the signal. If the signal pursued, the City shall work closely with Caltrans to ensure that the signal timing is properly synchronized with the closely spaced intersection to the east at California Boulevard / First Street.	City of Napa Public Works Department will contact Caltrans about regarding the signal. Private developers will pay a Street Improvement Fee which contributes funds toward the First Street Over-Crossing project.	City of Napa Public Works Department, project engineer; City of Napa community Development Department. Caltrans.	Calculation and receipt of payment.	Prior to issuance of building permits.	Ongoing

EXHIBIT "A"

TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
L. Transportation and Traffic (cont.)					
<p>Mitigation Measure 4.L-6: This mitigation measure should be applied to developments under the Specific Plan that would generate substantial multi-modal trips crossing at-grade railroad crossings that could substantially increase hazards between incompatible uses (i.e., motor vehicles and trains, or pedestrians and trains):</p> <p>Transportation Impact Studies (TIS) for At-grade Railroad Crossings – The TIS, otherwise required to be prepared for proposed developments under this project, in accordance with standard City policies and practices, must evaluate potential impacts to at-grade railroad crossings resulting from project-related traffic. The TIS should examine whether the proposed project would generate substantial multimodal trips crossing at-grade railroad crossings that could substantially increase hazards between incompatible uses (i.e., motor vehicles and trains, pedestrians and trains), which may include a Diagnostic Review for each railroad crossing.</p> <p>If required, the Diagnostic Review must be completed with all affected properties and Stakeholders, in coordination with the California Public Utilities Commission (CPUC). It will include: roadway and rail descriptions; collision history; traffic volumes for all modes; train volumes; vehicular speeds; train speeds; and existing rail and traffic controls. Based on the Diagnostic Review and the number of projected trips, the TIS will evaluate if the proposed project increases hazards at the crossing. For example, vehicle traffic generated by the proposed project may cause vehicle queuing at intersections resulting in traffic spilling back onto at-grade railroad crossings.</p> <p>Where the TIS identifies substantially hazardous crossing conditions caused by the proposed project, mitigations relative to the project's contribution to the crossing as necessary shall be applied through project redesign and/or incorporation of improvements to reduce potential adverse impacts. Proposed improvements must be coordinated with CPUC and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings). These improvements may include:</p> <ul style="list-style-type: none"> • Installation of additional warning signage; 	<p>The project applicant will retain a qualified transportation engineer to prepare a <i>Transportation Impact Study (TIS) for At-grade Railroad Crossings</i> that adheres to all specifications of this measure.</p> <p>Where the TIS identifies substantially hazardous crossing conditions caused by the proposed project, the project applicant will incorporate mitigations (relative to the project's contribution) to the crossing(s) as recommended by the TIS.</p>	<p>Community Development Department; planner assigned to project, in coordination with the Public Works Department; project engineer.</p>	<p>Review and approve selection of qualified transportation engineer.</p> <p>Prior to approval of project plans, ensure incorporation of mitigation to the affected crossing(s) as recommended by the TIS.</p>	<p>During permit processing.</p>	<p>Ongoing</p>

EXHIBIT "A"

TABLE 6-1 (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation Procedures ¹	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
L. Transportation and Traffic (cont.)					
<ul style="list-style-type: none"> • Improvements to warning devices at existing rail crossings; • Installation or improvement to automobiles and/or pedestrian control gates; • Installation of concrete panels to provide a smooth crossing surface; • Reduction in the flangeway gap to improve pedestrian and bicyclist safety; • Installation of median separation to prevent vehicles from driving around railroad crossings; • Improvements to traffic signaling at intersections adjacent to crossings (e.g., signal preemption); • Prohibition of parking within 100 feet of the crossings to improve the visibility of warning devices and approaching trains; • Where soundwalls, landscaping, buildings, etc. would be installed near crossings, maintain the visibility of warning devices and approaching trains; • Elimination of driveways near crossings; • Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way. <p>This mitigation measure would be applied by the City on a development project (case-by-case) basis, as appropriate. The incorporation of improvements identified in this mitigation measure could reduce the project's impact to the at-grade railroad crossing to a less-than-significant level.</p>					

EXHIBIT "B"



August 22, 2023

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

SUBJECT: 22-0137 First & Oxbow Hotel DR & UP, REFRL-001395, Andrew Wood, 730 Water St (Dilley)

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 NapaSan permit is required for this project. A plan showing the required sanitary sewer improvements, conforming to NapaSan standards, shall be prepared by a registered civil engineer and shall be submitted to NapaSan for approval.
2. The owner shall obtain a demolition permit from NapaSan prior to removal of the existing buildings. Demolition credits shall be valid for a period of two years from the date the demolition permit is issued, unless the owner elects to continue paying sewer service charges after issuance of the demolition permit. Contact NapaSan for more information about demolition credits. The owner will be required to hire a Class A licensed contractor to cut and cap all of the existing laterals at the connection to the main.
3. The sanitary sewer system in First Street may require upgrading. The limits would be determined by NapaSan after further study conducted by the owner. All costs associated with the study and any required upgrades shall be borne by the owner. The owner shall enter into an improvement agreement with NapaSan and post the appropriate bonds covering the sanitary sewer work.

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EXHIBIT "B"

4. Napa Sanitation District adopted a Collection System Master Plan (CSMP) in February 2021. 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 21-006. Contact NapaSan for additional information.
5. Sanitary sewer facilities are required to have a minimum of 36" of cover at all points within the public right of way. The proposed sanitary sewer facilities shall be designed to meet this requirement.
6. A grease interceptor will be required for any restaurant or food service types of use.
7. Should there be a drain in the trash enclosure, it shall be connected to the grease interceptor serving the building and the trash enclosure shall meet NapaSan standards. Contact NapaSan for more information.
8. The appropriate language shall be included in the CC&Rs regarding maintenance of common sanitary sewer laterals serving multiple parcels. A draft set of CC&Rs shall be submitted to NapaSan for review and approval. NapaSan reserves the right to require each parcel or condominium unit to be served by a separate sanitary sewer lateral.
9. No floor drains are allowed in the building except in the restroom and food service areas.
10. Discharge lines from the elevator sump pits shall not be connected to the sanitary sewer system.
11. Should there be a drain in the below grade parking area, it shall be connected to a sand and oil separator and shall meet NapaSan standards. The drain shall not be connected to a grease interceptor. The entrance of the parking structure shall be sloped away from the building and stormwater shall not enter the sanitary sewer system. Contact NapaSan for more information.

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EXHIBIT "B"

12. No plumbing from outdoor pool/spa areas or water features shall be connected to the sanitary sewer system.
13. All roof top plumbing fixtures shall be located under a covered area which extends past any open side a distance equal to 1/2 the height of the opening and shall be graded to slope away from the opening. Contact NapaSan staff for more information.
14. NapaSan has Best Management Practices (BMPs) for specific industries/businesses which contain proven practices for reducing pollution in wastewater. Some BMPs are mandatory. The proposed project shall comply with mandatory BMPs. All sewer discharges from the proposed development shall meet the Local Limits for constituents of concern established by NapaSan.
15. Each parcel shall be served by a separate sanitary sewer lateral. Commercial and residential/hotel uses shall be served by separate sanitary sewer laterals extending from the building to the sewer main.
16. Trees shall not be located within 10' of sewer pipes.
17. Bioretention areas shall not be located within 5' of sanitary sewer pipes.
18. There is an existing 4" diameter sewer force main located on the subject parcels. The force main is no longer in service. The owner or developer shall remove or abandon the force main within the extent of the subject parcels per NapaSan requirements.
19. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
 - a. Agreement Fees
 - b. Demolition Permit Fees
 - c. Plan Check Fees
 - d. Inspection Fees
 - e. Capacity Charges (based on use and square footage for commercial space. Outdoor dining and event space is included in the square footage)
 - f. Capacity Charges (per unit for transient occupancy)
20. 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

August 22, 2023

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EXHIBIT "B"



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 \$11,519 and will increase by the Consumer Price Index (CPI) annually in July. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff at (707) 258-6030 or mfitch@napasan.com for additional information.

Sincerely,

A handwritten signature in black ink that reads "Michael Fitch".

Michael Fitch
Assistant Engineer

August 22, 2023
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RESOLUTION R2024-030

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, (1) AUTHORIZING THE CONDITIONAL SUMMARY ABANDONMENT OF A SLOPE EASEMENT IN SUPPORT OF THE FIRST AND OXBOW HOTEL PROJECT (PL22-0137) LOCATED ON THE PARCELS BOUND BY SOSCOL AVENUE, FIRST STREET, MCKINSTRY STREET AND WATER STREET, (2) DECLARING THAT THE SLOPE EASEMENT AREA IS EXEMPT SURPLUS LAND ACT AND, (3) DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, a Permanent Slope Easement was granted to the City of Napa adjacent to the public right of way of Soscol Avenue and First Street as filed with the Napa County Recorder's office under document number 2005-0024974 on June 23, 2005 ("Subject Easement"); and

WHEREAS, Stratus Development Partners, LLC (the "Developer") has submitted an application for the development of the First and Oxbow Hotel Project, Project No. PL22-0137, (the "Project") within the two-block area bound by Soscol Avenue, First Street, McKinstry Street, and Water Street (APNs 003-235-003, 003-235-004, 003-235-005, 003-235-006, 003-241-003 and 003-241-006); and

WHEREAS, Developer has requested that the City abandon the Subject Easement to construct the Project; and

WHEREAS, the conditional summary abandonment of the Subject Easement was previously approved by the City Council on November 17, 2020 by the adoption of Resolution No. R2020-136 in support of the original hotel project entitlements approved by Resolution No. R2020-134.; and

WHEREAS, the Subject Easement is no longer necessary based on the preliminary design of the Project to be at-grade with the back of sidewalk on Soscol Avenue and First Street; and

WHEREAS, the Project falls within the scope of the Downtown Napa Specific Plan Program (DNSP) Final Environmental Impact Report (DNSP FEIR) certified by the City Council on May 1, 2012 (SCH #2010042043), as documented in the 2020 Addendum prepared for the original project and the January 2024 Addendum prepared for the revised project and on file with the City Clerk, and no further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15162, 15164 and 15168 as documented in the 2020 and 2024 Addendums; and

WHEREAS, the City must comply with Government Code Sections 54220-54234 (the "Surplus Land Act") prior to taking any action to vacate the Subject Easement; and

WHEREAS, the Surplus Land Act does not apply to the disposition of property if the property is exempt surplus land as defined in Government Code Section 54221 (f)(1); and

WHEREAS, Government Code Section 54221 (f)(1)(E) defines exempt surplus land to include land that is former street, right-of-way, or easement; and

WHEREAS, the City Council has considered all information related to this matter, 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:

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.

2. The City Council hereby determines that the potential environmental impacts of the Project were adequately analyzed and addressed within the scope of the Downtown Napa Specific Plan Program (DNSP) Final Environmental Impact Report (DNSP FEIR) certified by the City Council on May 1, 2012 (SCH #2010042043), as documented in the 2020 Addendum prepared for the original project and the January 2024 Addendum prepared for the revised project and on file with the City Clerk, and no further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15162, 15164 and 15168 as documented in the 2020 and 2024 Addendums.

3. The City Council hereby declares that the Subject Easement area is exempt surplus land as defined in Government Code Section 54221 (f)(1)(E) of the Surplus Land Act Guideline because the Subject Easement area is a former street, right-of-way, or easement.

4. The City Council hereby authorizes staff to submit a copy of this Resolution to HCD in accordance with the Surplus Land Act Guidelines.

5. The City Council hereby finds, consistent with Streets and Highways Code Section 8333(c), that the Subject Easement (attached as Exhibits "A" and "B") is an excess public service easement and that no other public facilities are located within the Subject Easement.

6. The City Council hereby vacates and abandons the Subject Easement as more particularly described in Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof, in accordance with Streets and Highways Code Section 8330 *et seq.* subject to the following conditions:

A. **Developer shall complete construction of the Project as defined and described in the conditions of approval for the Project entitlements.**

7. Upon satisfaction of the conditions set forth in Section 6 of this Resolution, the City Manager or authorized designee is hereby authorized to record this Resolution in the Office of the County Recorder of the County of Napa and, upon said recordation, the Subject Easement described in Exhibit "A" and shown on Exhibit "B" shall no longer constitute a Permanent Slope Easement.

8. The City Council hereby authorizes the City Manager or authorized designee to execute all related documents and take all actions necessary to implement the abandonment and vacation of the Subject Easement, and to implement the actions authorized by this resolution.

9. This Resolution shall supersede in its entirety Resolution R2020-136.

10. This Resolution shall take effect immediately upon its adoption.

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

AYES: Alessio, Painter, Narvaez, Sedgley

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: Lueros

ATTEST: 
Tiffany Carranza
City Clerk

Approved as to form:




Sabrina S. Wolfson, Asst. City Attorney
 Michael W. Barrett
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

SLOPE EASEMENT OVER APN'S 003-235-003, 004, AND 005

Commencing at a point formed by the intersection of the Southern line of First Street with the Western line of Lawrence Street as the same is shown upon the Map titled "Plan of Cornwell's Addition to Napa City", recorded March 11, 1852 in Book B of Deeds at Page 143, Napa County Records; thence along the Southern line of First Street South $57^{\circ}40'18''$ West 88.66 feet; thence along a curve to the left having a radius of 30.00 feet through a central angle of $85^{\circ}08'59''$ an arc length of 44.58 feet; thence South $27^{\circ}28'41''$ East 16.40 feet to the Western line of Lot 4, Block 3 as shown on said map of Cornwell's Addition; thence along said Western line South $32^{\circ}24'27''$ East 76.20 feet to the Northern line of Water Street as shown on said map of Cornwell's Addition; thence along said Northern line North $57^{\circ}40'18''$ East 5.47 feet; thence leaving said North line North $27^{\circ}28'41''$ West 91.85 feet; thence along a curve to the right having a radius of 18.00 feet through a central angle of $85^{\circ}08'59''$ an arc length of 26.75 feet; thence North $57^{\circ}40'18''$ East 88.68 feet to said Western line of Lawrence Street; thence along said Western line North $32^{\circ}24'27''$ West 12.00 feet to the point of beginning.

Containing 2350 square feet.



RESOLUTION R2024-031

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, (1) AUTHORIZING THE CONDITIONAL ABANDONMENT OF PORTIONS OF WATER STREET IN SUPPORT OF THE FIRST AND OXBOW HOTEL PROJECT (PL22-0137) LOCATED ON THE PARCELS BOUND BY SOSCOL AVENUE, FIRST STREET, MCKINSTRY STREET, AND WATER STREET, (2) DECLARING THAT THE WATER STREET EASEMENT AREA IS EXEMPT SURPLUS LAND IN ACCORDANCE WITH THE SURPLUS LAND ACT, AND (3) DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, the portions of Water Street located between Soscol Avenue and McKinstry Street (the "Subject Easement") were created with the filing of the map of Cornwell's Addition to Napa City on March 11, 1852; and

WHEREAS, Stratus Development Partners, LLC (the "Developer") has submitted an application for the development of the First and Oxbow Hotel Project, Project No. PL22-0137, (the "Project") within the two-block area bound by Soscol Avenue, First Street, McKinstry Street, and Water Street (APNs 003-235-003, 003-235-004, 003-235-005, 003-235-006, 003-241-003 and 003-241-006), and;

WHEREAS, Developer has requested that the City abandon the Subject Easement in order to incorporate the Subject Easement into the Project; and

WHEREAS, the conditional abandonment of the Subject Easement was previously approved by the City Council on November 17, 2020 through the adoption of Resolution No. R2020-137 in support of the hotel project entitlements approved by Resolution No. R2020-134; and

WHEREAS, the Subject Easement is not necessary for public right-of-way purposes and is excess to the City's needs, provided that a Public Utility Easement is reserved to accommodate existing public utilities and a Public Pedestrian Access Easement is reserved to accommodate a path of public access to the Napa River, as proposed; and

WHEREAS, the City has published and posted the notices required by Streets and Highways Code Sections 8322 and 8323; and

WHEREAS, the Project falls within the scope of the Downtown Napa Specific Plan Program (DNSP) Final Environmental Impact Report (DNSP FEIR) certified by the City Council on May 1, 2012 (SCH #2010042043), as documented in the 2020

Addendum prepared for the original project and the January 2024 Addendum prepared for the revised project and on file with the City Clerk, and no further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15162, 15164 and 15168 as documented in the 2020 and 2024 Addendums; and

WHEREAS, the City must comply with Government Code Sections 54220-54234 (the "Surplus Land Act") prior to taking any action to vacate the Subject Easement; and

WHEREAS, the Surplus Land Act does not apply to the disposition of property if the property is exempt surplus land as defined in Government Code Section 54221 (f)(1); and

WHEREAS, Government Code Section 54221 (f)(1)(E) defines exempt surplus land to include land that is former street, right-of-way, or easement; and

WHEREAS, the City Council has considered all information related to this matter, 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:

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.

2. The City Council hereby determines that the potential environmental impacts of the Project were adequately analyzed and addressed within the scope of the Downtown Napa Specific Plan Program (DNSP) Final Environmental Impact Report (DNSP FEIR) certified by the City Council on May 1, 2012 (SCH #2010042043), as documented in the 2020 Addendum prepared for the original project and the January 2024 Addendum prepared for the revised project and on file with the City Clerk, and no further environmental review is required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15162, 15164 and 15168 as documented in the 2020 and 2024 Addendums.

3. The City Council hereby declares that the Subject Easement area is exempt surplus land as defined in Government Code Section 54221 (f)(1)(E) of the Surplus Land Act Guideline because the Subject Easement is a former street, right-of-way, or easement.

4. The City Council hereby authorizes staff to submit a copy of this Resolution to HCD in accordance with the Surplus Land Act Guidelines.

5. The City Council hereby finds, based on the evidence summarized in this Resolution, and pursuant to California Streets and Highways Code Section 8324, that the Subject Easement, as described on Exhibit A and shown on Exhibit B attached hereto and incorporated herein by reference, is unnecessary for present or prospective public use, subject to the reservation of a Public Utility Easement and Public Pedestrian Access Easement as described in Exhibit A and shown on Exhibit B attached hereto and incorporated herein by reference (collectively, the “Public Service Easements”).

6. The City Council hereby vacates and abandons the Subject Easement as more particularly described on Exhibit A and shown on Exhibit B, reserving therefrom the Public Service Easements more particularly described on Exhibit A and shown on Exhibits B, attached hereto and made a part hereof, subject to the following conditions:

A. Developer shall ensure the completion of conveyances of reciprocal access easements amongst the adjoining property owners so that no parcel of land is landlocked by the herein described abandonment and vacation, and access to all parcels fronting the Subject Easement is assured, and Developer shall provide City evidence of the recordation of said reciprocal access easements.

B. Developer shall grant any additional easement rights to any public utility agency as may be required by such public agency in order to protect or access any utilities or facilities affected by the abandonment and vacation of the Subject Easement not already accommodated by the reservation of the Public Utility Easement as described herein provided any such additional grant of easement rights does not interfere with Developer’s Project.

C. Developer shall remove the necessary existing public street improvements and construct the revised public street frontage improvements consisting of curb, gutter, sidewalk, and a driveway approach or alternative band of hard surface material at the easterly limit of the Subject Easement as necessary to distinguish the transition from a public street to a private street.

D. Developer shall disconnect and properly cap or reconnect all public utilities located within the Subject Easement but outside of any reserved utility easements including, but not limited to, distribution mains, service lines, meters, light poles, and hydrants, and developer shall deliver all above ground utility facilities to the utility owner.

7. Upon satisfaction of the conditions set forth in Section 6 of this Resolution, the City Manager or authorized designee is hereby authorized to record this Resolution in the Office of the County Recorder of the County of Napa and, upon said recordation, the Subject Easement described on Exhibit A and shown on Exhibit B shall no longer constitute a public street or highway, but will remain subject to the reservation of the Public Service Easements described on Exhibit A and shown on Exhibit B.

8. The City Council hereby authorizes the City Manager or authorized designee to execute all related documents and take all actions necessary to implement the abandonment and vacation of the herein described Subject Easement, and to implement the actions authorized by this resolution.

9. This Resolution shall supersede in its entirety Resolution R2020-137.

10. This Resolution shall take effect immediately upon its adoption.

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

AYES: Alessio, Painter, Narvaez, Sedgley

NOES: None

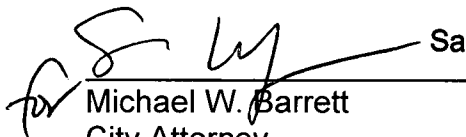
ABSENT: None

ABSTAIN: None

RECUSED: Lueros

ATTEST: 
Tiffany Carranza
City Clerk

Approved as to form:


Michael W. Barrett
City Attorney

Sabrina S. Wolfson, Asst. City Attorney

4916
Water Street
09-08-2020

Exhibit A

An abandonment of two portions of the Right-of-Way of Water Street in the City of Napa, said portions described as follows:

Portion One: **Beginning** at the southeast corner of Block 2 as shown on the map entitled Cornwell's Addition to Napa City, recorded March 11, 1852 in Book B of Deeds at Page 143, Napa County Records; thence westerly along the northern line of Water Street to a point 30 feet from the southwest corner of said Block 2; thence southerly and perpendicular to said north line 60 feet, more or less, to the southern line of Water Street as shown on said map; thence easterly along said southern line to the prolongation of the eastern line of said Block 2; thence north along said prolongation to the **Point of Beginning**.

Together with:

Portion Two: **Beginning** on an easterly prolongation of the north line of Water Street into Lawrence Street to the point 12 feet easterly of the southeast corner of Block 3 as shown on the map entitled Cornwell's Addition to Napa City recorded March 11, 1852 in Book B of Deeds at Page 143, Napa County Records; thence westerly along said prolongation and north line of Water Street to the eastern line of Soscol Avenue per Soscol Avenue Improvement Plans, Drawing No. S-7896 on file in the City of Napa Public Works Department; thence southerly along said eastern line of Soscol Avenue to the southern line of Water Street as shown on said map; thence easterly along said southern line of Water Street to the southerly prolongation of the eastern line of said Block 3; thence continuing along said southerly line of Water Street 12 feet; thence north parallel with said prolongation to the **Point of Beginning**

Reserving therefrom the southern 40.50 feet of Portion One for public uses a Public Utility Easement in, on, over, across, under and through for Public Utility purposes including existing and future electric, gas, communication facilities and all other public utility purposes; together with any and all appurtenances thereto, including the right from time to time to trim and cut down and clear away or otherwise control any trees or brush. The servient tenement owner shall not construct any building, well, or structure of any kind on the Public Utility Easement provided that the servient tenement owner shall not be prohibited from constructing any paving surfaces for vehicles or pedestrians.

Also reserving therefrom the southern 40.50 feet of Portion One for public uses as a Public Pedestrian Access Easement in, on, over, across, and through for Access purposes together with any and all appurtenances thereto, including the right from time to time to trim and cut down and clear away or otherwise control any trees or brush. The servient tenement owner shall not construct any building, well, or structure of any kind on the Public Pedestrian Access Easement provided that the servient tenement owner shall not be prohibited from constructing any paving surfaces for vehicles or pedestrians.

End Description

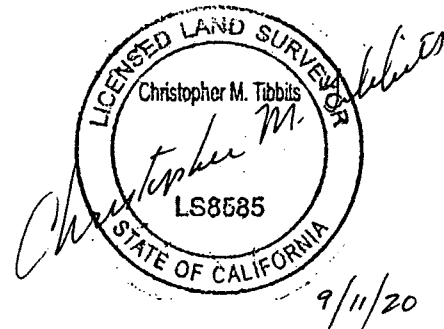


EXHIBIT B

EXHIBIT A

CITY OF NAPA

CALIFORNIA

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CORNWELL'S ADDITION TO NAPA
VOLUME B DEEDS PAGE 143

PT-FIVE INVESTMENT LP 003-235-003

PT-FIVE INVESTMENT LP 003-235-004

PT-FIVE INVESTMENT LP 003-235-005

BLOCK 3

PT-FIVE INVESTMENT LP 003-235-006

NAPA VALLEY WINE TRAIN
BOOK V OF DEEDS, PAGE 366

NAPA COUNTY FLOOD CONTROL & WATER DIST 003-241-005

FOXBOX DEV LLC
FOXBOX I LLC
003-241-006

R. GUADAGNI
003-241-003

T. FINCH
003-241-004

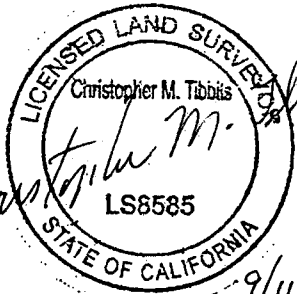
BLOCK 2

W A T E R N
N A P A

S T R E E T

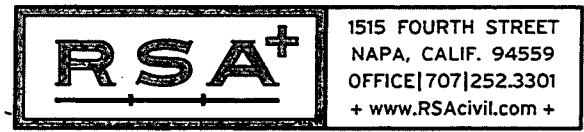
NAPA COUNTY FLOOD CONTROL & WATER DIST 003-242-001

THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS ON THIS EXHIBIT SHALL NOT AFFECT THE DEED DESCRIPTION



ABANDONMENT AREA

PUBLIC UTILITY & PEDESTRIAN ACCESS EASEMENT RESERVATION AREA



RSA+ | CONSULTING CIVIL ENGINEERS + SURVEYORS + EST. 1980

SEPT 2020 4916_Ab_Wtr_St 1 of 1