

RESOLUTION PC2021-24
(as amended by City Council on December 7, 2021)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN REVIEW PERMIT, ~~USE PERMIT FOR A RESTAURANT WITH DRIVE THROUGH~~, A TENTATIVE PARCEL MAP SUBDIVIDING THE PROPERTY INTO THREE PARCELS, A UNIFORM SIGN PROGRAM AND CREATIVE SIGN PROGRAM FOR THE SOSCOL SHOPPING CENTER (PL20-0162) (APN: 046-190-024 & 046-190-054) AND DETERMINING THAT THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, Ronmor Real Estate Fund Napa LP (“Applicant”) submitted a an application (File No. PL20-0162) for a Design Review Permit pursuant to Napa Municipal Code (“NMC”) Chapter 17.62 (“Design Review Permit”), a use permit pursuant to NMC Chapter 17.60 (“Use Permit”) for a restaurant with a drive through facility, a tentative parcel map pursuant to NMC Chapter 16.20 (“Parcel Map”), and a Uniform Sign Program and Creative Sign Program pursuant to NMC Chapter 17.55 (“Sign Programs”) to construct the Soscol Shopping Center, which includes a 55,000 square anchor store, a 9,800 square foot retail building with spaces for up to 7 tenants, and a 4,970 square foot restaurant with drive through facility and a tentative parcel map to subdivide the 7.02 acre property into 3 parcels (the “Project”) at 333 and 407 Soscol Avenue (APN: 046-190-024 and 046-190-054) (“Site”); and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on August 19, 2021 on the subject application; and

WHEREAS, the Planning Commission has considered all information related to the Design Review Permit, Use Permit, Parcel Map, and Sign Program Application, as presented at this public meeting identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

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

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

Section 2. The Planning Commission hereby determines that the potential environmental effects of the “Project” described in the Staff Report presented to the City

Council were adequately examined by the Mitigated Negative Declaration that was adopted by the Planning Commission pursuant to CEQA Guidelines Section 15074.

Section 3. The Planning Commission hereby approves the ~~Use Permit~~, Design Review Permit, Parcel Map and Sign Programs for the Soscol Shopping Center Project at 333 and 407 Soscol Avenue (APN: 046-190-024 and 046-190-054); and makes the following findings in support of the approval:

~~USE PERMIT~~

- ~~1. The proposed use is in accord with the General Plan, applicable specific plans, the objectives of the Zoning Ordinance and the purposes of the district and overlay district in which the site is located.~~

~~The Site has a CC, Community Commercial General Plan designation which aims to provide for uses serving the regional community. The proposed retail shopping center will draw customers from a large geographical area based on its size and access to Soscol Avenue, State Highway 121. Additionally, the Project is proposing a Class I bike path along a tributary to the Napa River consistent with the General Plan and the Napa County-wide Bike Plan.~~

- ~~2. 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 proposal to construct a regional shopping center with approximately 69,770 square feet of retail space with associated parking will not introduce new impacts associated with the public health, safety and general welfare. The drive through has been designed consistent with NMC Section 17.52.160 which establishes standards for drive through facilities. As conditioned, this use will not result in any impacts that would be detrimental to the public health, safety, or welfare.~~

- ~~3. The proposed use complies with each of the applicable provisions of the Zoning Ordinance.~~

~~The proposed use complies with each of the applicable provisions of the Zoning Ordinance, which include NMC Section 17.10.020.A.4 (Community Commercial District) and Section 17.52.160 (Drive Through Facilities), pursuant to which drive through facilities may be permitted with a use permit when consistent with prescribed standards. The design and capacity of the drive through is consistent with these standards and will not endanger pedestrians. It features appropriate vehicle stacking with a double lane design, and does not negatively impact the circulation of the shopping center or push overflow onto public streets in its vicinity.~~

DESIGN REVIEW

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

The Soscol Shopping Center with approximately 69,770 square shopping center is consistent with the Community Commercial General Plan designation and the prescribed General Plan floor area ratios. The Project is consistent with General Plan policies seeking to improve the character and viability of commercial areas by allowing a project with a range of goods and services convenient to Napa residents, and the Project is designed to support alternative modes of transportation, by constructing a Class I bike path, providing ample bicycle parking and participating in the creation of a bus stop if needed.

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

The design of the Soscol Shopping Center is consistent with the principles of the Soscol Corridor Design Guidelines. The guidelines anticipate large scale buildings and promotes form and material choices that mitigate the scale, and the proposal has successfully proposed well-articulated mid-century themed architecture to address the guideline. The guidelines also encourage design sensitive to pedestrian needs, and the Project has provided a well-connected pedestrian circulation system, that will ultimately connect to a regional bicycle network. The building orientation and setbacks are also supported by the applicable design guidelines.

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

The proposed Soscol Shopping Center will enhance the Soscol Corridor by providing an attractive series of buildings and public art that will bring interest and character to a now vacant lot. The proposal will not introduce new impacts associated with the public health, safety and general welfare. The design of the drive-through aisle does not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community as it has been designed so that it does not endanger pedestrians or negatively impact the circulation of the shopping center or the public streets in its vicinity and contains appropriate vehicle stacking with a double lane drive through. Therefore, the Design Review Permit will not constitute a nuisance nor be detrimental to public health, safety and welfare.

PARCEL MAP

1. *That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable specific plan; and*

The proposed parcel map is consistent with the General Plan and meets the development standards in NMC Section 17.10.030 for Commercial districts with ample parcel size allowing for adequate setbacks.

2. *Except for condominium conversion projects where no new structures are added, that the design of the proposed subdivision provides, to the extent feasible, for future*

passive or natural heating or cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.

The design of the parcel map will not impair opportunity for natural heating or cooling on the Site.

SIGN PROGRAMS

- 1. The proposed uniform/creative sign program is consistent with the objectives of the general plan;*

The Planning Commission may approve uniform and creative sign programs to allow for signage to respond to the particular identity needs of tenants in a multi-tenant commercial development. The proposed sign program has requested a uniform sign program for the shopping center's multi-tenant building to increase the number of signs and a creative sign program for the two businesses within an integrated development (Kohl's and unbranded restaurant) to allow a 20% increase in the sign area in for some of the sign types. Staffs has reviewed the program in detail and finds the program meets the intent of the sign ordinance.

- 2. The proposed uniform sign program is consistent with all adopted specific plans, master plans, and design guidelines applicable to the project.*

The proposed sign elements improve the visual character of the Soscol corridor and are not overwhelming nor will impair traffic flow. They are consistent with the sign guidelines in the Socol Corridor Design Guidelines which suggests signs should enhance and project the character of the buildings and businesses they represent. All of the proposed signs accomplish this desire as they have been designed specifically for the areas of the buildings in which they will be installed. The sign program is designed to match the mid-century themed architecture. Further, the monument signs use some of the same materials has the proposed building facades.

- 3. The proposed uniform sign program establishes a unified design theme for all permanent signs within the project.*

The proposed uniform sign program is consistent with all adopted specific plans, master plans, and design guidelines applicable to the project.

- 4. The proposed uniform and creative sign program is in compliance with all requirements of this chapter; except that, it is within the discretion of the Planning Commission to approve minor deviations to the area, height, or locational placement of signs that do not exceed 10 percent (uniform sign program) 20 percent (creative sign program) more than the maximum requirements of this chapter and an increase in the number of signs not to exceed 100 per-cent more than the maximum allowances of this chapter, if the Planning Commission finds that the minor deviations contribute to the character and vitality of the project, do not negatively impact surrounding properties, and will not be detrimental to the health, safety, and general welfare of the public.*

The Sign Program is designed to match the mid-century themed architecture. Further, the monument signs use some of the same materials as the proposed building facades. Due to the sign placement, shielding and low wattage illumination, they will not negatively impact surrounding properties nor be detrimental to the health, safety, and general welfare of the public.

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

The Sign Program is consistent with all applicable standards of the Sign Ordinance and the applicable elements of the Soscol Design Guidelines.

- 6. 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 proposed Program is consistent with the General Plan and the Zoning Ordinance and will have minimal impact to the surrounding community and not constitute a nuisance nor be detrimental to public health, safety and welfare.

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

The Sign Program is consistent with all applicable standards of the Sign Ordinance and with the issuance of a building permit, the signs will be in conformance with federal, state and local requirements.

Section 3. The Planning Commission's approval of the Design Review Permit, [Use Permit](#), Parcel Map and Sign Programs is subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. This Design Review permit authorizes the construction a 55,000 square anchor store, a 9,800 square foot retail building with spaces for up to 7 tenants, and a 4,970 square foot fast-food restaurant in accordance with the plans prepared by {Ware Malcomb} and dated [July 8, 2021] and as amended by these conditions of approval [\(with the removal of the drive through for the restaurant\)](#). ~~This Use Permit authorizes a double lane drive through for the proposed stand-alone restaurant with capacity for 26 cars.~~ This Parcel Map authorizes the subdivision of the Site into three parcels in accordance with the plans prepared by {Ware Malcomb} and dated July 8, 2021].
2. The southeast corner of the Kohl's building, adjacent to the bike path and visible from Soscol Avenue shall incorporate an art mural. The concept drawing for the mural shall be submitted to the Planning Division with an Administrative Design Review Permit application. The mural shall be reviewed and approved prior to issuance of Occupancy of the Kohl's Building.

3. The architecture of the west wall of the restaurant with drive through shall be amended to add enhanced architecture or art mural to create more interest along this façade. Proposed changes shall be submitted with the Building Permits for review and approval by the Planning Manager.
- ~~4. Five (5) electric vehicle charging stations shall be installed within the shopping center parking lot. The charging stations shall be included on the plans submitted for building permits and installed prior to any Certificate of Occupancy.~~
- 5.4. Enhanced paving shall be incorporated at all pedestrian crossings within the parking lot, at all entry driveways, and in front of the Kohl's building main pedestrian entry. The enhanced/scoring paving example shall be submitted with the building permit plans.
- 6.5. The design for the trash enclosures on-site shall be amended to include the same stone veneer used in the proposed buildings.
- ~~7. The proposed core/shell buildings shall incorporate measures to achieve a minimum LEED silver equivalent. The City will hire, at the Applicant's expense, a 3rd party reviewer to review and certify plans as part of the building permit review process.~~
- 8.6. The final landscape plan submitted with the improvement plans/building permit shall include additional landscape enhancements adjacent to all three buildings. These enhancements shall include mature plantings subject to review and approval of the Planning Manager. A long term maintenance agreement ensuring the maintenance of the landscape for a minimum of three (3) years shall also be submitted, subject to review of the Planning Manager and City Attorney. Said agreement shall be signed and in place prior to the issuance of any Certificate of Occupancy.
- ~~9. The final landscape plan submitted with the improvement plans/building permit shall include the infrastructure necessary for all landscape areas on-site to connect to recycled water for when service becomes available from Napa Sanitation to the shopping center site. Once available, the shopping center operator shall obtain a permit from Napa Sanitation to connect to the recycled water system within 60 days.~~
- 10.7. The design for public art adjacent to the retail building shall be designed and installed to avoid any rough edges that may be a safety hazard. The art shall be installed compliant with (ADA) requirements. A 48-inch separation is required between at least two of the art plates.
- 11.8. The final architectural, grading, and utility plans that are submitted for building and improvement plan check shall conform substantially to the preliminary architectural, grading, and utility plans prepared by Ware Malcomb (received electronically July 9, 2021 and noted on the title sheet, Planning Department Submittal #5 dated July 8, 2021), which were reviewed and approved by the Planning Commission, and as amended by the conditions of approval, marked as Exhibit A - H.

- ~~12.9.~~ Administrative (staff level) Design Review is required for design, layout and furniture for all outdoor patio furnishings if different from the proposed finishing shown on A1.7 detail #13. The furniture proposed must be of similar quality, style and theme. No umbrellas with signage or logos are allowed.
- ~~13.10.~~ This Design Review Permit also authorizes the installation of Napa Valley Picado: Put Yourself in the Picture, an 8' x 8'- 3D aluminum structure by Kristina Young celebrating the landscape of the Napa Valley ("Public Art"), by the main entrance, just north of the retail building adjacent to an outdoor dining area.
- ~~14.11.~~ The Applicant shall obtain a Building Permit through the Building Division prior to installation of the artwork.
- ~~15.12.~~ Prior to the issuance of a Building Permit for the installation of the Artwork, the owner shall enter into a maintenance agreement with the City to be recorded against the Site, in a form acceptable to the City Attorney, to ensure that proper maintenance is performed as determined by the Community Development Director.
- ~~16.13.~~ Prior to the issuance of a certificate of occupancy for the first building in the shopping center, the Applicant shall provide the Community Development Director with proof of installation of the Artwork. Upon City's receipt of such proof, the Applicant shall be deemed to have complied with NMC Section 15.108.040C.
- ~~17.14.~~ If the cost of the public art is lower than the public art contribution amount for the remaining building permits for the medical office building project, the Applicant shall make an in-lieu contribution for the balance of the public art contribution.
- ~~18.15.~~ The Public Art shall be located outside of the vision triangle.
- ~~19.16.~~ The Uniform Sign Program and Creative Sign Program approve the following signs for the three buildings in the shopping center, including monument signs:
- 1 – Primary Monument Sign, 8 feet tall by 10 feet wide - 80 square feet sign area.
 - 1 – Secondary Monument Sign, 8 feet tall by 8 feet wide - 64 square feet sign area.
 - 2 – Anchor Tenant Signs, 6 feet tall by 30 feet wide - 180 square feet sign area.
 - 1 – Primary (north) Tenant Sign, 4 feet tall by 12 feet wide - 48 square feet sign area.
 - 1 – Primary (south) Tenant Sign, 6 feet tall by 6 feet wide – 36 square feet sign area.
 - 4 – Primary (east/west) Tenant Sign, 6 feet tall by 12 feet wide – 66 square feet total sign area.
 - 18 – Secondary Tenant Sign – 2 feet tall by 12 feet wide – 48 square feet total sign area.
- ~~20.17.~~ Signage shall be installed at the Kohl's delivery driveway (southernmost driveway) warning delivery trucks to be aware of the bicycle/pedestrian crossing. Copy and location for the proposed signage shall be included with building permit plans.

~~21.18.~~ Pedestrian scale signage shall be installed toward the end of the pathway at Soscol warning trail users of the delivery truck traffic. Copy and location for the proposed signage shall be included with building permit plans.

~~22.19.~~ The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements of the Design Review ~~and Use~~ Permits.

~~23.20.~~ Colors and materials selection shall be applied to the building in substantial conformity with the colors and materials approved in these conditions. The owner or contractor shall not assume discretion in the selection of colors and materials without prior approval by the Planning Manager.

~~24.21.~~ The new trash enclosure shall comply with the City of Napa's Solid Waste and Recycling Enclosures Standards.

~~25.22.~~ No roof mounted mechanical equipment shall be permitted to protrude above the plane level of the roof unless otherwise screened from public view. Any devices used to screen such equipment shall appear as an integrated part of the architectural design, and as such, be constructed of complimentary materials and finished in a complimentary texture and color scheme to the overall architectural design.

~~26.23.~~ 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.

~~27.24.~~ 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.

~~28.25.~~ 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.

~~29.26.~~ Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.

~~30.27.~~ Grading and construction equipment shall be shut down when not in use.

~~31.28.~~ Construction activities shall not occur during windy periods.

~~32-29~~. Exposed soil surfaces shall be periodically sprinkled to retard dust; no City water shall be used for this purpose.

~~33-30~~. The Applicant shall comply with all mitigation measures set forth in Resolution PC2021-XX, which is incorporated herein by reference.

~~34-31~~. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District confirming that the Applicant has complied with all Napa Sanitation District requirements applicable to the Project. The Napa Sanitation District has described the applicable requirements in a letter to the Planning Division dated July 23, 2021, attached hereto and incorporated herein as Exhibit A.

PUBLIC WORKS – DEVELOPMENT ENGINEERING

~~35-32~~. This project is subject to the requirements of Napa Municipal Code, City of Napa Public Works Standard Specifications and Standard Plans (CON Standard Specs), and the "BASMAA Post Construction Manual" prepared by the Bay Area Stormwater Management Agencies Associated Phase II Committee, (7/14/2014) (BASMAA Manual).

~~36-33~~. The Applicant shall pay a \$7,500 initial cash deposit for City improvement plan and final map plan check services.

~~37-34~~. The Applicant shall design and construct all on and offsite improvements in accordance with the Improvement Plans and supporting calculations prepared by a registered civil engineer. Improvement plans will be reviewed by City of Napa Public Works Department and other City Departments.

~~38-35~~. The Improvement Plans and Parcel Map shall be prepared in accordance with the "Initial Submittal Checklist", the "Improvement Plan Checklist" and "Subdivision Map Checklist" available at <http://www.cityofnapa.org/483/Forms-Handouts>. Completed checklists shall accompany the first submittal.

~~39-36~~. The Applicant shall have the Parcel Map prepared in accordance with the California Subdivision Map Act (CA Government Code §§ 66410-66499).

- a. Any private easements required for this Project shall be recorded as a separate instrument. The location(s) shall be shown on the Parcel Map and the recording information for each easement shall be annotated on the map.

~~40-37~~. The Applicant shall design and construct the following improvements to be dedicated and maintained by the City of Napa and Caltrans to the limits shown on the project plans more specifically described below:

- a. Project driveways shall be designed consistent with CON standard drawing S-5B for a standard driveway approach with curb ramps.

- i. The southmost driveway on Soscol Avenue shall be designed for right-out egress movement only.
 - ii. The northmost driveway on Soscol Avenue shall be designed for right-in/right-out movements only.
 - iii. The Gasser Drive driveway and the center driveway on Soscol Avenue shall be designed as full access driveways.
- b. Any driveways not being used and/or sidewalk removed during construction shall be replaced with sidewalk per CON standard plan S-4 business commercial type sidewalk including tree wells at regular intervals.
- c. After trenching for all utilities and concrete installation, the Applicant shall grind (or sawcut and remove) asphalt approximately 10 feet beyond the trench limits and overly with 3 inches of asphalt. Limits shall go from gutter-lip to gutter lip per CON Standard Specs. A pavement repair plan shall be included in the improvement plans. Final limits subject to review by the City Engineer, or designee.

41.38. The Applicant shall design and construct all improvements that will not be dedicated or maintained by the City more specifically described below:

- a. Onsite improvements consistent with the development plans.
- b. Install all new utilities required to serve the Project underground.
- c. Applicant shall incorporate bicycle parking in accordance with NMC Section 17.54.060. The number of spaces and locations shall be shown on the Improvement Plans.

42.39. Driveways and Street Corners shall be designed to satisfy the CON Visibility and Fencing Standard drawing S-25. The sight distance and visibility triangle lines shall be shown on the improvement plans. The visibility height limits are measured from the top of curb of the fronting street to the top elevation of the obstruction.

43.40. The Applicant shall repair all concrete in the City and Caltrans Right of Way that is damaged or displaced across the Site's frontage. Portions of existing curb and gutter may remain beyond the limits of driveway and utility cuts if they are in good condition with no cracks or displacements, subject to review by the CON Public Works Inspector. Concrete shall be replaced to the nearest score lines. New concrete shall be dowelled to existing concrete with reinforcing steel bars (rebar). Contact Bret Leuthold at 707-257-9267 to determine limits.

44.41. All improvements in the Caltrans right-of-way (portion of Soscol) will be require a Caltrans encroachment permit.

45.42. The Applicant shall design and construct an on and off-site Class I multi-use trail running east to west along the north bank of Tulocay Creek from Soscol Avenue to Gasser Drive.

- a. If necessary, a public access easement shall be dedicated to the City of Napa for this trail.
- b. The trail shall be 12 feet wide (10 foot paved and 1-foot shoulders on each side).

- c. The trail shall be designed and constructed to accommodate vehicle use as well as bicycle and pedestrian use, as it will be utilized for Napa County Flood Control access.
- d. In conjunction with the trail, the Applicant shall install wayfinding and safety signage and crossing enhancements (i.e. signage, striping, etc.) subject to review and approval by the Public Works Director.

~~46.43.~~ 47.44. Drainage and Grading – The following items related to drainage and grading shall be submitted and shown on the improvement plans prior to plan approval:

- a. All existing storm drains, drainage inlets, storm drain manholes, etc. shall be shown along with information on inverts, size, material and slope.
- b. Existing topography shown with contour lines labeled at one-foot intervals and extending 100 feet beyond the Site, or sufficient information to determine drainage impacts on adjacent properties.
- c. Applicant shall submit storm drain system calculations prepared by a registered civil engineer based on the requirements in CON Standard Specs.
- d. Detention improvements shall be incorporated into the Project storm drain system design consistent CON Standard Specs, Section 2.10 “Detention”.
- e. 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.
- f. Storm Drain pipe in the public right of way shall be reinforced concrete pipe.
- g. Any retaining walls which are greater than one foot in height shall be masonry or concrete.

~~47.44.~~ 48.45. The Applicant shall follow and comply with the City of Napa Municipal Code Chapter 8.36 Stormwater Quality Ordinance.

- a. Applicant shall provide an Erosion and Sediment Control Plan (ESCP) and a schedule for implementation for review with the building permit. A grading permit shall not be issued until the ESCP is approved.
 - (i) Applicant shall incorporate stormwater quality ‘Best Management Practices (BMPs) into the Project construction by showing BMPs on the ESCP.
- b. In accordance with the CA NPDES General Permit for Construction Activities:
 - (i) Projects >1 Acre: Prepare a Stormwater Pollution Prevention Plan (SWPPP). A copy of the SWPPP along with the waste discharge identification number (WDID) will need to be provided to Public Works prior to any permitted grading activities.
 - (ii) The property owner shall insure that the contractor manages all construction activities; and handles, stores and disposes all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains, solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drain, ground water, and/or waterways.
 - (iii) The 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 at an approved disposal facility.
- (iv) The 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.
 - c. Post Construction Water Quality Measures – In accordance with the "BASMAA Post Construction Manual" prepared by the Bay Area Stormwater Management Agencies Associated Phase II Committee, (7/14/2014) (BASMAA Manual), the Applicant shall incorporate post-construction BMPs into the Project design to mitigate project impacts to water quality (<http://ca-napa.civicplus.com/574/Stormwater-Quality> under documents).
 - (i) Applicant shall prepare and submit a Stormwater Control Plan (SCP) in accordance with the BASMAA Manual. Supporting calculations shall be prepared by a design professional subject to review by PW-DED Staff.
 - (ii) Landscape plans shall be submitted to Public Works Development Engineering Division (PW-DED) with the Improvement Plans. Landscape Plans shall illustrate all Low Impact Development (LID) post construction measures and include the required plant species.
 - (iii) Post-construction BMPs shall be installed by the Applicant concurrent with Project construction and inspected by PW-DED prior to soil media being placed.
 - (iv) The Applicant shall install full trash capture device(s) in accordance with the CA Water Quality Board's Trash Provisions (CA Water Code § 13383). System shall be designed to :
 - aa. Trap all particles 5mm or greater.
 - bb. Sized to treat the 1-year, 1 hour storm event.
 - cc. Device(s) shall be selected from the State Water Board list of certified devices.
 - dd. Device(s) shall be maintained at a frequency, no less than annually, that ensures captured trash does not reduce device efficiency or create flooding.
 - d. The property owner shall enter into a long term maintenance agreement with the City of Napa approved as to form by the City Attorney and as to substance by the City Engineer for long term maintenance, financing and monitoring for the post construction storm water best management practices that are incorporated as part of the Project and as called out in the Approved Stormwater Control Plan.
 - (1) The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
 - (2) The agreement shall be recorded prior to approval of the Improvement Plans. The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary

or convenient to accomplish the City’s objectives. The City of Napa shall either be a signatory to the agreement or a third party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney’s fees for legal counsel to enforce such obligations.

- (3) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
- (4) Appropriate easements or other arrangements satisfactory to the City Engineer and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.
- (5) All development projects must be planned, designed and constructed consistent with the post construction standards in the city’s NPDES permit and in accordance with the post construction storm water management requirements established by the city, including but not limited to, the current version of the Bay Area Stormwater Management Agencies Association Post-Construction Manual or an updated version of that manual or other post-construction storm water management standards as adopted by Council resolution.
- (6) The owner of the real property shall provide a written document, deed, agreement or similar writing acceptable to the Director, obligating the project proponent, their successors in control of the project and successors in fee title to the underlying real property (or premises), to assume responsibility for the operation and maintenance of all installed treatment systems and hydromodification controls, if any, for the project.
- (7) The owner or operator of any installed treatment system or hydromodification control shall provide the Director with information and physical access necessary to assess compliance with this chapter, with the city’s NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council. (O2014-15, 11/18/14)

48.45. Prior to recording the Parcel Map:

- a. The Applicant shall create a reciprocal private access, parking and utility easements across Parcels 1, 2 and 3 as required. Easements shall be sufficient width to accommodate the Project. Easement shall be recorded as a separate instrument with the Napa County Recorder. Recording information shall be included on the Parcel Map.
- b. On the Parcel Map, the Applicant shall dedicate in fee to the City of Napa, a variable width area sufficient for the construction of the ‘ultimate’ right of way width of Soscol Avenue.
- c. The Applicant shall convey any other easements needed to serve the three lots via the manner prescribed in subsection a.
- d. The Applicant shall furnish proof of payment of the mapping service fee as required by the Napa County Board of Supervisors Resolution No. 92-119.

- e. The Applicant shall pay any account balances and current fees based on the rate in effect at the time of the permit issuance.

~~49.46.~~ Prior to approval of Improvement plans. The Applicant shall submit documentation to PW-DED that the following have been addressed:

- a. The Applicant shall pay off all current account balances based on the rate in effect at the time of permit issuance.
- b. The Applicant shall pay a deposit for inspection fees for public improvements.
- c. Any work performed on neighboring properties shall be done with temporary construction easements subject to review by PW-DED and the City Attorney.
- d. Applicant shall submit to PW-DED a Soils Investigation/Geotechnical Report per NMC Section 16.36.200. Improvement Plans shall incorporate design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans verifying conformance with their recommendations.
- e. Provide acknowledgement by the District Engineer that the design of the sanitary sewer is approved by Napa Sanitation District (NapaSan). NapaSan may sign the Improvement Plans if their conditions require them to do so.

~~50.47.~~ PRIOR TO COMMENCING ANY ACTIVITIES ON SITE. Prior to commencing any ground disturbing activities, the Applicant shall:

- a. Submit a copy of the Notice of Intent (NOI) for coverage under the CA State Water Resources Control Board's General Construction Permit (Order 2009-0009-DWQ or its successor permit). Activities.
- b. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and the Contractor provides the following:
 - (1) Six (6) full size bond copies of the approved Improvement Plans for City's use.
 - (2) One (1) job site copy of the CON-Standard Specs for their use.
 - (3) One (1) job site copy of the SWPPP.

~~51.48.~~ PRIOR TO ISSUING A BUILDING PERMIT – Prior to issuing a building permit for the Project the Applicant shall submit documentation to the PW-DED for review and approval demonstrating that the following requirements have been satisfied:

- a. Applicant shall enter into a Project Improvement Agreement (PIA) with the City of Napa for the construction of public improvements. PIA shall be in the standard form subject to approval as to substance by the Public Works Director and as to form by the City Attorney. PIA shall include a security for labor, equipment and material based on the cost of the public improvements consistent with the NMC.
- b. Street Improvement Fee. The Applicant shall pay Street Improvement Fees in accordance with the City's Master Fee Schedule effective at the time of issuing the building permit. The current rates in effect as of February 2021 are as follows:

	Land Use	Unit (KSF)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Shopping Center	64.8	\$7,377/KS F	\$493/KSF	\$478,030	\$31,946
	Fast Food with Drive through High Turnover Sit-Down Restaurant	4.97	\$34,094 18,464/KSF	\$2,278 1,234 /KSF	\$169,447 91,766	\$11,322 6,133
Existing Use (credit)	New Car Sales	26.4	\$12,455	\$831	(\$328,812)	(\$21,938)
	Building Materials Store	1.31	\$5,501	\$368	(\$7,206)	(\$482)
					\$311,459 233,778	\$20,848 15,

~~52.49.~~ Prior to the building permit certificate of occupancy, the Applicant shall submit documentation to the Building Division for review and approval that indicates the following items have been completed as reviewed and approved by the PW-DED.

- (i) All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer.
- (ii) Submit certification by the Engineer of Record (or qualified design professional) that all work has been completed in substantial conformance with the approved project plans.
- (iii) Identify all post-construction stormwater quality BMPs along the Project frontage and on-site with the appropriate street addresses (addresses provided by City) and GIS coordinates.
- (iv) Prior to Final PW-DED sign of on building permit, all disturbed areas shall be installed with final, permanent stabilization measures to ensure no sediment laden water discharged from the site.

~~53.50.~~ This Project is located in a Special Flood Hazard Area "Zone AE" as designated on the Flood Insurance Rate Map (FIRM), 06055C0516F dated September 29, 2010 and revised per LOMR 16-09-1316P effective 1/22/2019 and revised by LOMR 16-09-131P effective date 1/22/2019. The requirements of the City of Napa Municipal Code Chapter 17.38 Floodplain Management apply to all new construction or substantial improvements within the Special Flood Hazard Area.

~~54.51.~~ 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 base flood elevation (BFE) or designed to be floodproof/watertight to one foot above BFE as per FEMA Technical Bulletin 3-93. Please provide details on how utilities will comply with this requirement.

~~55-52.~~ Upon completion of the building, the elevation of the lowest floor including the basement shall be certified by a registered professional engineer or surveyor. An elevation certificate shall be submitted prior to the building's final sign off.

~~56-53.~~ Prior to issuance of a certificate of occupancy for the project the Applicant shall submit documentation to the Development Engineering Division for review and approval that indicates that the following items have been completed as reviewed and approved by the Development Engineering Division:

(i) All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer prior to occupancy.

(ii) 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.

(iii) Identify all on-site post-construction stormwater quality bmp's and along the project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.

(iv) Prior to Final SW Sign off, All disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the site.

FOOD ESTABLISHMENTS/OUTDOOR DINING

~~57-54.~~ Applicant to follow Best Management Practices (BMPs) to ensure trash, debris, organic materials, oil and grease, Toxic chemicals in cleaning products, disinfectants, and pesticides do not enter the City's Stormdrain system.

~~58-55.~~ Applicant to follow City of Napa Stormwater Pollution Ordinance Chapter 8.36 of the Muni Code to avoid or eliminate "Illicit Discharges" into the City's stormdrain system.

~~59-56.~~ Applicant shall be responsible for maintaining the cleanliness of the outdoor dining area including disposal of litter, garbage and pavement cleaning.

~~60-57.~~ Applicant shall place no garbage generated by the outdoor dining area into public trash cans.

~~61-58.~~ Applicant shall clean up any spills promptly.

~~62-59.~~ Applicant shall steam clean or pressure wash concrete in the outdoor dining area at least once a month or more often as needed to remove stains. Storm Drains and curb and gutter drain directly to the Napa River, a water of the State of California. It is unlawful to pollute water flowing to the Napa River with any substance or materials deleterious to fish, plant life or bird life. The Applicant shall conduct their outdoor dining operations in such a manner as to avoid water pollution. The Applicant shall take particular care

when conducting outside cleaning. Note that coordination with the Napa Sanitation District is required prior to disposing surface cleaning discharge into sanitary sewers.

UTILITIES DEPARTMENT – SOLID WASTE & RECYCLING DIVISION

~~63.60.~~ The Applicant shall provide a recycling/solid waste enclosure(s) in accordance with NMC Section 17.52.390 and the City's "Solid Waste and Recycling Enclosure Standards". The location, layout and dimensions of these facilities shall be shown on the improvement plans.

~~64.61.~~ The office/retail/commercial building enclosure shall be sized to provide sufficient space for diverting all waste streams generated by the tenants including but not limited to compostable materials, recycling, and solid waste materials.

~~65.62.~~ The Project is subject to 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; to file a Waste Reduction and Recycling Plan (WRRP) 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. Official weight receipts/tags for each load shall be obtained, and at the conclusion of construction shall be submitted for review by the Compliance Official prior to the approval of a Certificate of Occupancy.

UTILITIES DEPARTMENT - WATER DIVISION

~~66.63.~~ The Applicant shall construct all of the Water infrastructure improvements to be dedicated to and/or maintained by the City of Napa (i.e. "Public Improvements") as generally shown on the Preliminary Utility Plan submitted with the approved IDR application and more specifically described below.

~~67.64.~~ Submit a site or civil plan outlining certain water plumbing features more specifically described as follows:

- a) Size of existing water service(s) to property;
- b) Existing water main(s) and applicable tie-in locations, details, etc.;
- c) Abandonment of any existing unused water service(s);
- d) Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations;
- e) Installation of a sufficient number of water main valves at City-approved locations;
- f) Relocate any affected water facilities and/or appurtenances;
- g) Installation of a sufficient number of water quality monitoring/sampling stations at City-approved locations;
- h) Size and location of all proposed water services (residential, fire, irrigation, etc.);

68-65. The Applicant shall construct all improvements that WILL NOT be dedicated to and/or maintained by the City of Napa (i.e. the "Private Improvements") as generally shown on the Preliminary Utility Plan submitted with the approved IDR application and more specifically described below.

69-66. The Applicant shall construct all improvements that WILL NOT be dedicated to and/or maintained by the City of Napa (i.e. the "Private Improvements") as generally shown on the Preliminary Utility Plan submitted with the approved IDR application and more specifically described below.

Submit a site or civil plan outlining certain water plumbing features more specifically described as follows:

- a) Size and location of appropriately-sized water services with backflow devices (applicant must install Backflow device(s) if one does not exist), surrounding utilities, etc.
- b) Record all private water easement(s) necessary to extend private service(s) behind the public water meter to the property served.
- c) Designation of applicable on-site fire hydrants as private;

70-67. Prior to approval of the Improvement Plans, the Applicant shall:

- a) Submit all required connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559.
- b) Provide Utility Plan.
- c) Permanent structures including but not limited to trees, monument signs, traffic signs, light poles etc. are not allowed within 10-feet of a public water facilities including within the existing public waterline easement.
- d) Perform potholing on the 24-inch transmission main within the Project area at intervals sufficient for determining waterline alignment within the Project area.
- e) The Applicant shall enter into Agreement with the City of Napa approved as to form by the City Attorney and as to substance by the Utilities Director that includes the following language:
 - o "The City has the right to access and use existing public utility easements for the purposes of constructing, installing, maintaining, repairing, replacing or otherwise taking any actions that the City believes are necessary or prudent

for the safe operation of the City water facilities. Notwithstanding anything to the contrary set forth herein, the City shall not be responsible for replacing or repairing any surface or above-ground Improvements within any public utility easement area that may be disturbed or damaged as a result of City work in such areas, including but not limited to pedestrian ramps, pavement islands, sidewalk, curb/gutter, signing/stripping, decorative pavement/pavers/concrete, or landscaping, except as set forth herein. Notwithstanding anything to the contrary set forth herein, the City’s sole responsibility for replacing water trenches in hardscaped areas is limited to compliance with the City’s then-current water trench detail standard (City Std. W-13A as of 2020), as may be amended, matching the depth of the existing asphalt concrete up to maximum of 4-inches. Notwithstanding anything to the contrary set forth herein, the City’s sole responsibility for replacing water trenches within landscaped areas is limited to compliance with the City’s then-current water trench detail standard (City Std W-13A as of 2020), as may be amended, excluding asphalt concrete.”

~~71.68.~~ Prior to Approval Building Permit, the Applicant shall:

- a) Submit remaining fees to the Water Division at 1700 Second Street, Suite 100, Napa;
- b) Contact the City of Napa Fire Prevention Division to determine fire sprinkler requirements.

~~72.69.~~ Prior to Occupancy, the Applicant shall:

- a) 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;
- b) 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;
- c) Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats;
- d) Complete the water demand mitigation requirements of this project as specified by the City of Napa Water Division. The Applicant will be contacted by the City of Napa Water Division after obtaining a building permit specifying the requirements for the proposed project;
- e) Submit any remaining meter set and/or hot-tap fees to the Water Division at 1700 Second Street, Suite 100, Napa, 94559;

Identify all water meter boxes with the appropriate street address (Note: applies to water meters installed in groups of two or more - addresses to be provided by City).

FIRE PREVENTION DIVISION

~~73.70.~~ In accordance with the standard mitigation measures and conditions of approval set forth by the City of Napa, 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.

~~74.~~71. New buildings and additions to existing buildings shall conform to requirements set forth in NMC Chapter 15.04, City of Napa standards and Nationally Recognized Standards.

~~75.~~72. There shall be no deferred submittals for fire protection equipment and related utilities. Fire protection plans shall not be attached to or bound with the building plan submittal package. This includes but is not limited to Automatic Fire Sprinkler, Fire Alarm, Fixed Fire Protection and Civil plans.

~~76.~~73. All Fire related underground piping and fire appurtenances shall be shown on the Civil / Improvement plan submittal. Dedicated “Fire” pages shall be included in the overall plan set and shall detail all of the following items outlined below. All underground piping and related fire appurtenances including but not limited to underground piping, underground sweep detail, underground trench details showing depth of burial, type of backfill, manufacturer’s specifications of piping, valves joints, fittings and calculated size and locations of thrust blocks, hydrant locations (designate public or private), gate shut-off valves, PIV’s, FDC’s, fire pumps, fire pump and/or riser rooms.

~~77.~~74. Underground utility contractor, architect and fire sprinkler contractor shall coordinate the location of risers and control valves prior to the issuance of a building permit.

~~78.~~75. Fire Department plan review shall be based on the information submitted at the time of permit application. Any changes to the approved/permitted scope of work including additions, alterations, demolition, repair or a change in occupancy/use may impact the project requirements, including but not limited to the installation of additional fire protection systems or components.

~~79.~~76. An approved water supply capable of supplying the required fire flow for fire protection systems shall be provided to all premises upon which facilities or buildings are hereby constructed or moved into or within the City. Required fire flow and hydrant distribution shall be in accordance with NMC Chapter 15.04.

~~80.~~77. Fire Protection systems shall be installed in accordance with provisions set forth in NMC Chapter 15.04 and the applicable National Fire Protection Association Standard.

~~81.~~78. The fire protection equipment shall be located within an interior room having an approved exterior access door or in an exterior enclosure attached to the building, specifically, for the purpose of housing such equipment.

~~82.~~79. Prior to building permit issuance, provide a fire department circulation plan using the City’s ladder truck and demonstrate clear turning movements into and out of the project. The final design of fire department access components shall be reviewed and approved by the Fire Marshal prior to installation.

~~83-80.~~ Fire Apparatus Access Roads shall be designed in accordance with provisions set forth in NMC Chapter 15.04 and the applicable Public Works Standard.

~~84-81.~~ Fire apparatus access roads shall have an unobstructed minimum width of 20 feet (curb to curb) and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 71,000 pounds.

~~85-82.~~ Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction. Fire apparatus access shall be provided to within 150 feet of the most remote portions of all building from an approved exterior route. If this cannot be achieved fire apparatus turnarounds will be needed. Hammerhead turnarounds are not allowed unless the Applicant can meet the design exceptions outlined in the City of Napa Standard Specifications and Standard Plans guideline. Reference pages 106 and 107 for Alternative Turnaround information. If the Applicant is seeking an Alternative Turnaround based on the outlined exceptions in the Standard, then such request shall be submitted as part of the Internal Design Review plan package.

~~86-83.~~ Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Vertical traffic calming in the form of speed pumps, humps or dips are prohibited along fire access roads without prior approval of the fire Code Official. The minimum width and clearances established in NMC Chapter 15.04 shall be maintained at all times.

~~87-84.~~ When required by the Fire Chief, fire apparatus access roads shall be designated as Fire Lanes and appropriate signs and/or markings installed in accordance with the California Vehicle Code and approved City standards.

~~88-85.~~ Where applicable improvement plan submittals for permit shall include locations of fire lane red curbing and fire lane signage. Please refer to and include City Public Works Standard FP-2A & 2B with plan submittals for permitting.

~~89-86.~~ When fire sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of not less than that required for an Extra Hazard Group II use with a minimum design area of 2,500 square feet.

~~90-87.~~ A fire hydrant shall be in service within 250 feet of the furthest point of construction prior to the stockpiling of combustible materials for the beginning of construction.

~~91-88.~~ Fire Department Connections (FDC) shall be located not more than 100 ft. from the nearest fire hydrant.

~~92-89.~~ Improvement Plans submitted for permit shall include City of Napa Fire Department "Underground" standards, detail drawings and the applicable City of Napa Public Works Standard detail (W-7A, B, C or D) for Fire Service double detector check installations.

~~93-90.~~ Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet approved aerial fire apparatus access roads shall be provided. All fire

apparatus aerial access roads shall be designed in accordance with NMC Chapter 15.04 and the City of Napa Standard Specifications and Standard Plans guideline.

~~94.91.~~ Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

CITY GENERAL CONDITIONS

~~95.92.~~ Outdoor speakers are not permitted as a part of this approval.

~~96.93.~~ 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.

~~97.94.~~ 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.

~~98.95.~~ No use authorized by this permit may commence until after the Applicant executes any required permit agreement.

~~99.96.~~ 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).

~~100.97.~~ Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved tentative map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.

~~101.98.~~ The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

~~402-99.~~ To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.

~~403-100.~~ 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.

~~404-101.~~ The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.

~~405-102.~~ 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.

~~406-103.~~ 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.

~~407-104.~~ All conditions 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.

~~408-105.~~ This ~~Use Permit~~, Design Review Permit, Uniform Sign Program and Creative Sign Program approval shall expire 2 years from the date of approval unless a building permit has been issued and construction has been diligently pursued and the use having commenced, or an extension is secured by the Planning Manager prior to the expiration date.

109.106. This ~~resolution~~Use Permit will become effective 10 calendar days after the Planning Commission meeting date of August 19, 2021, provided no appeals are received within such 10-day period.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Planning Commission of the City of Napa at a special meeting of said Planning Commission held on the 19th day of August 19, 2021 by the following roll call vote:

AYES: KELLEY, OÑATE, HUETHER, HURTADO

NOES: MASSARO

ABSENT:

ABSTAIN:

RECUSE:

ATTEST: _____
SECRETARY OF THE PLANNING COMMISSION



EXHIBIT A

COLLECTION • TREATMENT • RECOVERY • REUSE

July 23, 2021

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

SUBJECT: 20-0162 Soscol Shopping Center, REFRL-001153, Doug Porozni, 407 SOSCOL AVE (Allen)

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

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

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

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

1. A plan showing the required sanitary sewer improvements shall be prepared by a registered civil engineer conforming to NapaSan standards, and shall be submitted to NapaSan for approval.
2. The proposed sanitary sewer main shall be installed a minimum of 8 feet from the face of curb, a minimum of 10 feet from the proposed water main, and a minimum of 5 feet edge-to-edge from other utilities.
3. 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.
4. The existing sewer main along the Soscol Avenue property frontage extending to the manhole in Gasser Dr shall be rehabilitated by HDPE pipe or replaced with PVC pipe per NapaSan's requirements. The existing manholes shall be replaced as part of the project. Contact NapaSan for the specific alignment extent.
5. Street trees shall be planted a minimum of 10 feet from sanitary sewer laterals and mains.
6. NapaSan has Best Management Practices (BMPs) for specific industries/businesses which

Planning Director
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EXHIBIT A

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.

7. The owner shall obtain a demolition permit from NapaSan prior to removal of the existing building. Demolition credits shall be valid for a period of two years from the date the demolition permit is issued.
8. All existing sanitary sewer laterals extending to the subject parcels that are not used as part of the proposed development shall be capped at the main per NapaSan Standards.
9. The owner/developer shall enter into an improvement agreement with NapaSan, and post the appropriate bonds covering the sanitary sewer work.
10. 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)
11. Each parcel shall be served by a separate sanitary sewer lateral.
12. The proposed plan indicates parcels 1 thru 3 shall be served by a private 6" sanitary sewer main. Private sewer mains on site shall follow NapaSan's standards for private mains (1% minimum slope). The owner shall enter into a private main agreement with NapaSan that outlines the maintenance responsibilities of the owners in regards to the private sanitary sewer main.
13. Private sewer easements shall be dedicated for the shared private sanitary sewer main.
14. All specialty hardscape/landscape features proposed within the sanitary sewer easements shall be subject to approval by NapaSan. If approved, the owner shall enter into an indemnification agreement with NapaSan that places the expense for removal and/or replacement of the features on the owner.
15. The owner shall grant a 20 foot wide sanitary sewer easement centered on the existing sanitary sewer main along the frontage of Soscol Ave. Trees or other permanent structures are not allowed within the easement area.
16. Floor drains are not allowed in the building except in the restroom and food service areas.
17. Discharge lines from the elevator sump pits shall not be connected to the sanitary sewer system.
18. A grease interceptor will be required for any restaurant or food service type of uses.

Planning Director

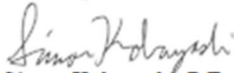
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EXHIBIT A

19. 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 the NapaSan standards. Contact NapaSan for more information.
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 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 \$10,228 and will increase by the Consumer Price Index (CPI) on July 1st annually. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff for additional information regarding capacity charges.

Sincerely,



Simon Kobayashi, P.E.

Associate Engineer