

RESOLUTION R2022-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN REVIEW PERMIT, USE PERMIT, AND TENTATIVE SUBDIVISION MAP FOR THE ALTA EAST SUBDIVISION, A SUBDIVISION OF AN 0.83-ACRE PROPERTY INTO 5 SINGLE-FAMILY LOTS AT 1568 EAST AVENUE AND DETERMING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, on May 20, 2021, Alta East LLC (the “Applicant”), submitted an application (File No. PL21-0066) for a Design Review Permit pursuant to Napa Municipal Code (“NMC”) Chapter 17.62 (“Design Review Permit”) for the design of a Tentative Subdivision Map and the design of the new single family homes, a Use Permit pursuant to NMC Chapter 17.60 (“Use Permit”) for the application of flag lot standards, and a Tentative Subdivision Map pursuant to NMC Chapter 16.20 (“Tentative Subdivision Map”) to subdivide one 0.83-acre property into five single-family lots at 1568 East Avenue (APN 045-054-002) (“Site”) (collectively, the “Project”); and

WHEREAS, the application was deemed incomplete on June 18, 2021, and the applicant submitted a revised application with updated plans, which was received on November 18, 2021. The application was subsequently deemed complete and accepted by the City as being consistent with the applicable submittal requirements on December 17, 2021; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 17, 2022 on the Design Review Permit, Use Permit and Tentative Subdivision Map, and has recommended approval of the Project; and

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

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

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

Section 2. The City Council hereby determines that the Project is exempt from the requirements of CEQA pursuant to Section 15332 of the CEQA Guidelines (Categorical Exemptions; Class 32), which exempts in-fill development projects which are consistent

with the General Plan designation, occur within the city limits on a site smaller than (5) acres, have no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air, or water quality, and can be adequately served by all required utilities and public services. The City Council also determines that the exceptions to categorical exemptions identified in Section 15300.2 of the CEQA Guidelines are inapplicable because the land is in an urbanized area with no environmentally sensitive habitats or species of concern on the Site, there has been no successive effort to intensify land uses in the area, and no unusual circumstances exist that would pose a reasonable possibility of having a significant effect on the environment. Based on this analysis, no significant environmental effects would result from the Project and the exemption is appropriate.

Section 3. The City Council hereby approves the Design Review Permit for the Project house plans and the design of the Tentative Subdivision Map as defined on the application plans prepared by Jay A. Jacobson and the Tentative Subdivision Map as defined on the application plans prepared by RSA Civil Engineers & Surveyors, date received November 18, 2021 (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 subdivision, improvements, and single-family residential use are consistent with the SFI-105 General Plan designation which allows for single family development with a density range of 3 to 8 units per acre, resulting in 2 units minimum to 6 units maximum for the Site. The Project proposes 5 units which is at the high end of the permitted density range. There are no applicable specific plan design guidelines applicable to this Project.

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

The proposed subdivision design, site layout and architecture are consistent with the goals, policies and recommendations outlined in the Residential Design Guidelines. A mix of coherent forms, details and materials are proposed to create residential units which complement the existing neighborhood. With the addition of Planning Commission's recommended condition that the Developer provide updated plans at building permit issuance that incorporate additional variation between the home designs subject to Staff approval, the project will be consistent with the Residential 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) as conditioned. The proposed Project has been found to be consistent with all applicable

development standards of the RI-5 (Single-Family Infill) zoning of the Site. All lots comply with the minimum lot size, coverage and setbacks of the zoning district. Flag lots comply with flag lot development standards for parking, setbacks, and access. As such, with implementation of the conditions of approval set forth below, the proposed Project would not result in any significant impacts. The design of the proposed subdivision and single-family homes does 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 application of flag lot standards as defined on the Application Plans and makes the following findings in support of the approval:

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

As discussed in Section 3 of this resolution, the Project is in accord with the General Plan and with the objectives of Chapter 17.60 of the Zoning Ordinance. It is in accord with the other objectives of the Zoning Ordinance, and the purposes of the RI-5 Zoning District in that it complies with the development standards for the RI-5 Zoning District in NMC Chapter 17.08 and the Parking Requirements in NMC Chapter 17.54 as modified by the flag lot standards in NMC Section 17.52.190. The Project is not located within an overlay district.

- 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 will not be detrimental or injurious to the above values or property in the vicinity of the Site because the proposed flag lot subdivision is in a neighborhood characterized by similar development and a similar intensity. It is planned for in the General Plan. It has been reviewed by responsible agencies and found that it can be accommodated by existing storm drain, sanitary sewer, water supply, and transportation systems and that it conforms to fire and building safety regulations.

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

As previously discussed in Section 3 and in this Section of this resolution, the Project complies with each of the applicable provisions of the Zoning Ordinance.

Section 5. The City Council hereby approves the Tentative Subdivision Map prepared by RSA Civil Engineers & Surveyor, date received November 18, 2021 and submitted as a part of the subject application and makes the following findings in support of the approval:

- A. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable specific plan.*

As previously discussed in Section 3, the proposed subdivision, improvements and single-family use of the Site are consistent with the SFI-105 General Plan designation which allows for single family development with a density range of 3 to 8 units per acre, resulting in 2 units minimum to 6 units maximum for the Site. The Project proposes 5 units which is at the high end of the permitted density range. The Project is also consistent with the following General Plan policies:

Housing Element Policy H1.1 encourages the efficient use of land, and Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density.

The proposed 5-lot infill development project has been designed to achieve a density that is above the mid-point of the density range for the Site. The achieved density makes the most efficient use of the Site, consistent with Policies LU-4.5:

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood.

The single-family lots range in size from 5,720 - 9790 square feet and are compatible in size with those in the adjacent neighborhood. The proposed single-family houses would be two-story, similar to the properties in the surrounding neighborhoods. They would reflect a contemporary interpretation of traditional building styles that have similarities to the architecture of the existing neighborhood and are compatible with existing residences in the area consistent with this policy. The proposed single-family use, lot sizes, and density are consistent with the pattern of single-family development in the area.

- B. *The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.*

Passive heating and cooling opportunities have been provided to the maximum extent practical as the buildings incorporate operable doors and windows on the east and west elevations and the buildings, the lot sizes and configuration allow for passive heating and cooling opportunities by providing very generous setbacks to allow tree planting and are designed in an east-west alignment to allow for southern exposure.

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

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. This Tentative Subdivision Map, Use Permit and Design Review Permit authorizes a five (5) lot subdivision, including four (4) flag lots, with five (5) two-story single-family residential units, and twenty-four (24) parking spaces on the Site in accordance with the application plans prepared by Jay A. Jacobson and the Tentative Subdivision Map prepared by RSA Civil Engineers & Surveyors, date received November 18, 2021, as reviewed and approved by the Planning Commission, and as amended by these conditions of approval.
2. Prior to issuance of building permits, the Applicant shall submit revised renderings of the house plans to the Planning Manager for review and approval that include varied materials, colors, and finishes to differentiate the facades of the houses on lots 2, 3 and 4 from each other.
3. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements and conditions of the Design Review Permit, Use Permit and Tentative Subdivision Map.
4. 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.
5. 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.
6. The plans submitted for Building Permits for the single-family residences shall include side and rear building elevations that provide the same level of architectural detail found on the front elevation. The exterior treatment of each building elevation shall be consistent in form and materials and provide an overall coherent design for the entire building.
7. If window mullions are proposed for any exterior window within the Project, the window mullion shall be placed on the exterior of the window.
8. Prior to issuance of a demolition or grading permit for the existing structures, the Applicant shall submit a rodent and pest control plan for review and approval by the Planning Manager that includes measures that reduce the potential for rodents and pests displaced by the grading and construction at the Site from relocating to homes in the adjacent neighborhood.
9. All exterior lighting on the Site shall be properly shielded and directed downward to preclude glare conditions that might impact nearby residential uses.

10. The plans submitted for improvement plan review shall include a final landscape plan.
11. The Applicant shall obtain a Building Permit from the Building Division prior to construction of any improvements.
12. Prior to issuance of a Building Permit, the Applicant shall pay all applicable fees for the Project at the rates in effect at the time of payment, including but not limited to the Affordable Housing Impact Fee.
13. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Applicant shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.
14. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.
15. The plans submitted for the building permit shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that: (1) all plant materials be certified by the Napa County Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner, and (2) the Agricultural Commissioner's Office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Division approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Manager that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications and inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Manager upon a showing of good cause.
16. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.
17. The Applicant shall submit a Final Fencing Plan for the Project to the Planning Manager for review and approval prior to recordation of the Final Map or issuance of a building permit, whichever comes first. The Final Fencing Plan shall include fencing between the Site and the adjacent neighbor properties on the eastern and southern property lines. The fencing may be constructed on the neighboring property line or on the Site in accordance with Section 56(b). The fencing shall be

a six-foot solid fence. The Applicant shall offer the neighboring property owners the option to include up to two feet of lattice on top of the six-foot solid fence.

18. The Applicant shall construct all required fencing in compliance with the approved Final Fencing Plan prior to the issuance of a Certificate of Occupancy for the corresponding unit.
19. 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 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The Ordinance further states that there will be: no start-up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.

FIRE DEPARTMENT – FIRE PREVENTION DIVISION

20. The Applicant shall pay the applicable Fire Impact Fees (see current Standard Fees and Charges adopted by resolution), prior to the issuance of any building permits.
21. New buildings and additions to existing buildings shall conform to requirements set forth in NMC Chapter 15.04.
22. 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.
23. 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, hydrants locations (designate public or private), gate shut-off valves, PIV’s, FDC’s, fire pumps, fire pump and/or riser rooms.
24. 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.
25. 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.

26. 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.
27. 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.
28. 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. Residential fire protection equipment (risers) shall be located within an interior wall (typically in the garage) having an interior access door attached to the building, specifically for the purpose of housing such equipment.
29. Prior to building permit issuance, the Applicant shall 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.
30. Fire Apparatus Access Roads shall be designed in accordance with provisions set forth in NMC Chapter 15.04 and the applicable Public Works Standard.
31. 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.
32. 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.
33. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Vertical traffic calming in the form of speed bumps, 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.

34. 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.
35. 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.
36. 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.
37. 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.
38. Fire Department Connections (FDC) shall be located not more than 100 ft. from the nearest fire hydrant.
39. 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.
40. 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 with the City of Napa Standard Specifications and Standard Plans guideline.
41. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.
42. The Project shall comply with the addressing standards in NMC Section 15.040.080. Compliance shall be demonstrated on the plan submittal.

PUBLIC WORKS DEPARTMENT

43. Approval of this Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Napa NMC, the City of Napa Standard Specifications and Standard Plans (dated January 2022), including any supplemental updates thereto, the City's "Post-Construction Storm Water Pollution Prevention Design Standards" and the "BASMAA Post-Construction Manual prepared by the Bay Area Stormwater Management Agencies Associated (BASMAA) Phase II Committee, dated July 14, 2014".

44. The Applicant shall construct all on and offsite improvements in accordance with improvement plans and supporting calculations that are prepared by a registered civil engineer and reviewed and approved by the City of Napa Public Works Department (PW) Development Engineering Division. The improvement plans shall be prepared in conformance with the Tentative Subdivision Map plans prepared by RSA+ dated April 22, 2021, as modified herein by these Conditions of Approval. The improvement plans and supporting calculations shall include detailed designs for all utilities, grading, drainage, erosion control, stormwater, and paving. The plans and calculations must be approved by the City Engineer prior to the issuance of the building permit.
45. The Final Map and improvement plans shall be prepared in accordance with (and submittals shall be accompanied by) the "Initial Submittal Checklist", the "Improvement Plan Checklist", and the "Subdivision Map 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.
46. The Applicant shall pay a \$5,000 initial cash deposit and shall maintain a minimum monthly balance of \$1,500 for city plan check services.
47. **IMPROVEMENT PLANS (PUBLIC)** – The following items shall be shown on the improvement plans prior to approval of the plans:
- a. The Applicant shall install multi-way stop control on all approaches of East Avenue that complies with CA MUTCD markings.
 - b. Any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City prior to improvement plan approval.
 - c. To maintain adequate sight visibility at public street access points 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.
 - d. The Applicant shall incorporate the group mailbox concept into the Project design. Proposed locations shall be reviewed and approved by the Post Office and Public Works.
 - e. The improvement plans shall include a Joint Trench Plan.
 - f. The improvement plans shall include a Utility Plan showing all the existing and proposed utilities, including overhead and underground utilities.
 - g. 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, 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) Public Street Repair Plan shall comply with Section 1.05, "General Construction Notes," Sub-section, "Street Section and Sidewalk Construction Notes," item 10., of the City of Napa Standard Specifications and Standard Plans and these Conditions of Approval.
 - (ii) The Applicant shall provide a curb-to-curb resurfacing of the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations, and based on the condition of the existing pavement, regardless of limits of overlay shown on the plans and as determined by the Engineer. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of a full 2-inch deep grind for the entire area and a 2-inch asphalt concrete overlay placed. Street resurfacing will be required for all cuts resulting from improvements that include, but are not limited to, pavement widening, curb and gutter, storm drain, water, sewer, signal, lighting, and other utilities for the Project. The limits of the overlay may be extended beyond the Project frontage of the parcel and/or 10-feet on either side of the trench to cover all the utility trench cuts at the discretion of the City after all underground infrastructure has been installed.
 - (iii) The Applicant shall reconstruct any potholed and/or alligatored areas. Installation of street paving by the Applicant shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the Public Works Department Development Engineering Division and approved by the City Engineer as part of the construction plan review.
 - (iv) The Applicant shall repair all pavement, curb, gutter and sidewalk that are damaged by the construction process in accordance with the Public Works Department Standard Specifications and Standard Plans.
 - (v) 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.
- h. 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 existing underground utility systems throughout the proposed area of work and at all utility connection points. The Applicant shall provide 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 with the first improvement plan submittal.

- i. The Applicant shall underground all new utilities (public and private) 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.
 - (i) All new utilities shall be placed underground. No new overhead utilities are allowed.
48. **IMPROVEMENT PLANS (PRIVATE)** - 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 Tentative Map and more specifically described below:
- a. The functional classification for private streets that are proposed to receive improvements are:
 - (i.) Unnamed Private Court – Private: Private drive aisle shall be 20 feet clear.

Refer to Table 3.1, "Street Design Criteria," of the City of Napa Standard Specifications for minimal structural sections and the project's geotechnical reports recommendations, whichever is larger.
 - b. All service laterals (domestic, irrigation, and fire water).
 - c. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances in accordance with City Public Works standards. No concentrated runoff will be allowed to discharge onto adjacent property.
 - d. Install all post-construction stormwater treatment facilities consistent with the 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 BASMAA Manual.
49. **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. The Applicant shall submit storm drain system design calculations that are prepared by a registered civil engineer for review and approval by the Development Engineering Division. Storm drain system design flows shall be calculated based on the requirements listed in the City of Napa Public Works Department Standard Specifications and Standard Plans. The calculations shall include a drainage basin map showing basin limits and area in acres, hydrology, and system hydraulic calculations, pipe size calculations, inlet capacity calculations, stormwater quality treatment and other information necessary to support the proposed design. Storm drains will be sized to carry the flows generated by the design storm per City of Napa Standards. The

storm drain system design calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3') per second when flowing half full.

- b. 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.
- c. Lot grading and drainage system improvements shall be installed by the Applicant as part of the subdivision improvements. Constructed lot pad elevations shall not deviate more than 0.5 feet from the pad elevations shown on the Tentative Subdivision Map.
- d. 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.
- e. 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.
- f. 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.
- g. Any retaining walls which are greater than one foot in height, which are adjacent to a property line, shall be masonry or concrete. Wood retaining walls shall not be installed adjacent to property lines.
- h. It is the City's policy to require all new parcels to be graded to drain independently from adjoining parcels. If surface drainage is currently passing from adjoining properties onto the Site, the grading plan for the Project shall be designed to continue to accept such drainage and easements shall be established to allow such drainage patterns to continue. All surface drainage must be collected and conveyed to a public street, storm drain or approved outfall.
- i. The roof drainage and downspouts from each parcel on the Site shall not be allowed to discharge onto the adjacent properties.
- j. Applicant to follow and comply with City of Napa Municipal Code Chapter 8.36 Stormwater Quality Ordinance.

50. The Applicant shall provide an Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Development Engineering Division for review and approval with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.

51. **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.

(i) Projects < 1 acre: Provide an Erosion and Sediment Control Plan (ESCP) See ESCP template at: <http://ca-napa.civicplus.com/574/Stormwater-Quality>.

(ii) The construction BMP's shall be shown on the project Erosion and Sediment Control Plan (ESCP).

(iii) 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

(iv) 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.

(v) 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.

52. **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://ca-napa.civicplus.com/574/Stormwater-Quality> under "Documents."

(i) The post-construction BMP's shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).

(ii) 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.

(iii) The Landscape plans shall be submitted to the Development Engineering Division with the submittal of the Improvement Plans. Landscape Plans shall illustrate all LID post construction measures and include the required plant species as specified in the BASMAA Post-Construction Manual.

(iv) The post construction BMP measures shall be installed by the Applicant and designed and sized by a registered civil engineer in accordance with the City's adopted BASMAA Post-Construction Manual and an accepted design method such as that which is outlined in the "California Storm Water Quality Association BMP (CASQA-BMP) Handbook". The design and calculations are to be reviewed and approved by the Development Engineering Division.

(v) The Project post-construction BMP's shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control Standards, BASMAA Post-Construction Manual and accepted design review Stormwater Control Plan prepared by RSA+ dated 10-12-2021.

53. The Applicant shall submit storm drain system design calculations that are prepared by a registered civil engineer for review and approval by the Development Engineering Division. Storm drain system design flows shall be calculated based on the requirements listed in the City of Napa Public Works Department Standard Specifications and Standard Plans. The calculations shall include a drainage basin map showing basin limits and area in acres, hydrology, and system hydraulic calculations, pipe size calculations, inlet capacity calculations, stormwater quality treatment and other information necessary to support the proposed design. Storm drains will be sized to carry the flows generated by the design storm per City of Napa Standards. The storm drain system design calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3-feet) per second when flowing half full.
54. 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:
- (i.) Trap all particles 5mm or greater.
 - (ii.) Be sized to treat the 1-year, 1-hour storm event.
 - (iii.) Device(s) shall be chosen from State Water Board list of certified devices.
 - (iv.) 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.
55. 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.

(i) 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.

(ii) 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.

(iii) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.

(iv) 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.

(v) 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.

(vi) 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.

(vii) 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)

56. **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. 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. Existing private improvements (retaining walls, concrete curbs, concrete gutter, etc.) shall be removed unless proof is submitted with the improvement plan submittals showing the improvements need to remain for structural reasons. If the Applicant is unable to obtain rights of entry and/or easements from the neighboring property owner(s), the Applicant may construct the fences on the Site. Details showing fencing shall be incorporated in the improvement plans.

57. **PRIOR TO APPROVAL OF IMPROVEMENT PLANS** - The Applicant shall submit documentation to the Public Works Development Engineering Division for review and approval that indicates that the following items have been addressed:

- a. The Applicant shall pay off all current account balances based on the rate in effect at the time of the 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 in accordance with temporary construction easements from the impacted neighbor(s). The easements shall be obtained with copies submitted to the Public Works Development Engineering Division for review prior to the approval of the improvement plans.
- d. 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.

- e. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.

58. **SUBDIVISION MAP (SUBDIVISION MAP)** - The Applicant shall submit the Final Subdivision Map ("Final Map") for review by the Public Works Department Development Engineering Division and approval by the City Engineer. The form and approval of the Final Map shall meet the following requirements.

- a. Applicant shall be in compliance with the Subdivision Map Act. Government Code Sections: 66410-66499
- b. The Final Map shall show easements for the private street, private driveways, drainage facilities and utilities as required by the Public Works Director. On the Final Map, the Applicant shall dedicate to the City Public Utility Easements for Street and Utility purposes. Private easements shall be shown on the Final Map but created by a separate instrument.
- c. The Applicant shall include abandonment of any applicable existing utility easements.
- d. Generally, convey all easements and dedications, public and private, for the construction, use and/or maintenance of roads or other access, drainage facilities, utilities and post-construction storm water management facilities on the Final Map. Specific conveyances include:
 - (i.) Convey to the City by offer of dedication, a 10-foot public utility easement adjacent to all public street rights-of-way within the limits of the subdivision.
- e. The Applicant shall record CC&Rs and establish an incorporated homeowner's association to provide long term maintenance, financing and monitoring for all shared private street improvements, private storm drains and the post construction storm water best management practices that are incorporated as part of the Project.
 - (i.) The CC&Rs and related documents shall be recorded contemporaneously with the Final Map.
 - (ii.) The CC&Rs shall be approved as to substance by the City Engineer and as to form by the City Attorney prior to approval of the Final Map and must detail the responsible parties, inspections, maintenance procedures, the perpetual maintenance and replacement of the improvements, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
 - (iii.) In addition, the CC&Rs must provide for appropriate provisions relating to enforcement options, the right of the City to access the Site 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 be a third-party beneficiary to the CC&Rs with the right but not the obligation to enforce the obligations therein and secure attorney's fees for legal counsel to enforce such obligations.

- f. Prior to approval of the Final Map, the Applicant shall either install all onsite and offsite improvements or work with the Public Works Department Development Engineering Division to execute the City's Standard Improvement Agreement, provide bonds and provide proof of workers compensation insurance and general liability insurance in the forms and amounts as required by the Risk Manager and City Attorney. Typically, one million dollar (\$1,000,000) general liability insurance is required.
- g. The Applicant shall furnish the Public Works Department Development Engineering Division with proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
- h. The Applicant shall obtain approval from all parties owning an interest in any existing rights-of-way or easements within the subdivision, which are proposed to be changed, modified, or deleted. Deeds shall be recorded concurrently with the Final Map to reflect the proposed revision, modification or removal of any existing rights-of-way or easements. The deeds shall be submitted to the Public Works Department Development Engineering Division and shall be in forms approved by the City Attorney.

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

- a. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
 - (i) (8) 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.

60. PRIOR TO ISSUANCE OF A BUILDING PERMIT - Prior to issuance of the building permit for the Project the Applicant shall submit documentation to the Building Division for review and approval that indicates that the following items have been addressed:

- a. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the Project or to satisfy required Project mitigation measures and/or conditions prior to issuance of a building permit.

- b. The driveway approach serving lot #1 along East Avenue shall align with the driveway serving lot #1. Driveway approach aprons (excluding the flare) shall be the same width as the required width of the driveway.

61. **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.

- a. Prior to issuance of building permit: The Applicant shall pay Street Improvement Fees in accordance with the Master Schedule of City Fees and Charges effective at the time of issuance of Building Permit (Policy Resolution 16). The current rates for the Street Improvement Fee (effective January 2022) for this Project are as follows:

	Land Use	Unit (DU)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Single Family Detached Housing	5	\$2,465/DU	\$2,258/DU	\$12,325	\$11,290
Existing Use (credit)	Single Family Detached Housing	1	\$2,465/DU	\$2,258/DU	(\$2,465)	(\$2,258)
					\$9,860	\$9,032

62. **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OF THE FIRST UNIT** - Prior to issuance of a certificate of occupancy for the first unit the Applicant shall submit documentation to the Building Division for review and approval that indicates that the following items have been completed as reviewed and approved by the Public Works Department Development Engineering Division:

- a. The improvements identified on the Public Street Repair Plan shall be completed.
- b. All road surfaces shall be restored to pre-Project conditions after completion of any Project-related pipeline installation activities.
- c. 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.
- d. All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer prior to occupancy.

- e. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. 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.
- k. The Applicant shall submit to the Public Works Department Development Engineering Division all improvement plans in digital auto-cad format, compatible with the City's current version, and tied to the City's coordinate system for all storm drain facilities, water lines, lot lines, sanitary sewer lines, sidewalks and streets. Auto-cad files shall be updated for as-built information and submitted to and approved as complete by the Public Works Department Development Engineering Division prior to occupancy.

UTILITIES DEPARTMENT – SOLID WASTE & RECYCLING DIVISION

- 63. The CC&Rs shall require residents to place carts (solid waste, recycle, compost) along East Avenue on designated collection day per the Napa Municipal Code.
- 64. Applicant shall identify the location of the trash/recycling/compost carts/bins on the site plan.
- 65. Based on the valuation of the Project, it will be 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.

66. Units shall contract separately for solid waste/recycling/organic material collection with the City's authorized contractor.

UTILITIES DEPARTMENT – WATER DIVISION

67. The existing 3/4 "service (ACCT# 303 0080, Meter # 06561082) shall only be used for irrigation purposes.
68. The existing service for 1643 Meek Avenue shall be relocated and include a 5' private water easement with 2.5' typical on either side of the services centerline.
69. 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 Tentative Map and more specifically described below.
70. 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. Offsets, clearances, restraints, and protection provisions for water connections crossing the 36" transmission main
 - d. Abandonment of any existing unused water service(s);
 - e. Location of stub-out(s) for future connection(s);
 - f. Installation of a single water service for each lot with approved backflow devices;
 - g. Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations;
 - h. Installation of a sufficient number of water main valves at City-approved locations;

- i. Relocate any affected water facilities and/or appurtenances;
- j. Installation of a sufficient number of water quality monitoring/sampling stations at City-approved locations;
- k. Size and location of all proposed water services (residential, fire, irrigation, etc.);

71. 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 Tentative Map 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. A combined fixture count worksheet for all tenant spaces to ensure existing water service size meets proposed demands. Underside services are not allowed.
- d. Designation of applicable on-site fire hydrants as private;

72. 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.

73. 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.
- c. Contact Napa County Department of Weights & Measures for submetering requirements.

74. 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;
- f. 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).

NAPA SANITATION DISTRICT

75. 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 December 13, 2021, attached hereto and incorporated herein as Exhibit "A".

CITY GENERAL CONDITIONS

76. 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.
77. 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.

78. No use authorized by this permit may commence until after the Applicant executes any required permit agreement required by previously stated conditions of approval.
79. 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).
80. 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.
81. 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.
82. 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.
83. 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.
84. 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.

85. 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.
86. 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.
87. The Tentative Subdivision Map, Design Review Permit and Use Permit shall become effective on the day following Council's approval of this Resolution, is subject to expiration and revocation, and may be extended, all in accordance with the provisions in NMC Chapters 16.20 and 17.68, as applicable.

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 15th day of March 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney



EXHIBIT A

COLLECTION • TREATMENT • RECOVERY • REUSE

December 13, 2021

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

SUBJECT: 21-0066 Alta East Subdivision, REFRL-001229, ALTA EAST LLC, 1568 EAST AVE (Mendez)

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

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

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

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

1. A plan showing the required sanitary sewer improvements, conforming to NapaSan standards, shall be prepared by a registered civil engineer and shall be submitted to NapaSan for approval.
2. Each parcel shall be served by a separate sanitary sewer lateral at 2% minimum slope.
3. Sanitary sewer laterals shall be installed a minimum of 10 feet from trees and a minimum of 5 feet from bioretention areas and property lines. Laterals shall not be located within driveways.
4. Work within the public right of way or sanitary sewer easement shall be performed by a Class A licensed Contractor bonded with NapaSan for \$10,000.
5. 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.
6. 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.
7. The proposed development would be subject to the following fees, based on the rates in effect at

EXHIBIT A

the time they are paid:

- a. Demolition Permit Fees
- b. Plan Check Fees
- c. Inspection Fees
- d. Capacity Charges (per single family dwelling)

8. 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,



Karl Ono, P.E.
Associate Engineer