

## RESOLUTION NO. R2023-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN REVIEW PERMIT AND TENTATIVE SUBDIVISION MAP FOR THE SUBDIVISION OF AN 8.6-ACRE PROPERTY INTO 20 PARCELS WITH 162 RESIDENTIAL UNITS FOR THE OLD SONOMA ROAD MIXED-USE PROJECT AT 2344 OLD SONOMA ROAD, AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on September 20, 2022, by City Council Resolution R2022-085, the City Council certified that certain Environmental Impact Report for the City of Napa 2040 General Plan, and on October 18, 2022, by City Council Resolution R2022-098, the City Council approved and adopted an Addendum to the certified Environmental Impact Report for the City of Napa 2040 General Plan, which together are referred to herein as the “General Plan EIR”; and

WHEREAS, on October 18, 2022, by the same City Council Resolution R2022-098, the City Council adopted the City of Napa 2040 General Plan (“2040 General Plan”). The 2040 General Plan is the culmination of a three-year long process to identify, formulate and establish long-term goals, objectives and policies for the operation, maintenance, and development of the City and the City government through the year 2040; and

WHEREAS, the 2040 General Plan reflects the community’s vision for its growth and evolution, addressing a wide range of topics that affect the character and quality of life in Napa; and

WHEREAS, the 2040 General Plan addresses future land uses and new development, and includes policies for sustainable development by, among other things, making more efficient use of available land by allowing higher density development and minimizing the adverse effects of new development on the environment to ensure that it does not unduly contribute to global warming and climate change; and

WHEREAS, on January 4, 2023, Napa Community Real Estate Fund (“Applicant”), submitted an application (File No. PL23-0002) for (i) 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 8 single family homes and 154 residential condominium units, and (ii) a Tentative Subdivision Map pursuant to NMC Chapter 16.20 (“Tentative Subdivision Map”) to subdivide an approximately 8.6-acre property at 2344 Old Sonoma Road (APN: 004-291-015 (“Site”) into 20 parcels, consisting of 8 single family lots, 1 commercial lot, 6 lots that will be further subdivided for condominium purposes into 154 residential condominiums, and 5 open space/common area lots. (collectively, the “Project”); and

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WHEREAS, the Applicant designed and intends for the Project to be consistent with the 2040 General Plan and to promote 2040 General Plan goals and policies relating to, among other things, land use, affordable housing, sustainability, and cultural and historic resources, and has worked cooperatively with the City to achieve such consistency between the Project and the 2040 General Plan; and

WHEREAS, to comply with the California Environmental Quality Act (Public Resources Code §§ 21000—21189.70.10) (hereafter, “CEQA”) and its implementing regulations (California Code of Regulations §§ 15000—15387) (hereafter, the “CEQA Guidelines”), the City caused the preparation of an initial study and consistency analysis pursuant to Section 21083.3 of CEQA and Section 15183 of the CEQA Guidelines, to assess the consistency of the Project with the 2040 General Plan, a copy of which is attached hereto and incorporated herein as Exhibit A (the “Section 15183 Consistency Analysis”); and

WHEREAS, on April 6, 2023, the Planning Commission held a noticed public hearing on the Project and the Section 15183 Consistency Analysis and has recommended that the City Council approve the Project and determine, pursuant to Section 21083.3 of CEQA and Section 15183 of the CEQA Guidelines, that the Project is consistent with the 2040 General Plan as evaluated in the certified General Plan EIR and no additional environmental review is required; and

WHEREAS, on May 2, 2023, the City Council held a duly noticed public hearing and considered all information related to this matter, including the Project application, a staff report and staff and Applicant presentations, the 2040 General Plan and the General Plan EIR, the Section 15183 Consistency Analysis, and all other materials and information available during the City’s processing of the application.

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

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

Section 2. The City Council hereby determines that the potential environmental effects from the actions authorized by this resolution were adequately analyzed in that certain City of Napa General Plan Update Final EIR (SCH #2021010255) certified by the City Council on September 20, 2022 (the “2040 General Plan EIR”) and, pursuant to Public Resources Code Section 20183.3 and Sections 15183 and 15168 of the CEQA Guidelines, no additional environmental review is required for the Project because the Project is consistent with the development density and use characteristics established by the 2040 General Plan and there are no potentially significant environmental effects that (1) are peculiar to the Project or the Site, (2) were not analyzed as significant effects in the 2040 General Plan EIR, (3) are potentially significant off-site impacts and cumulative impacts which were not discussed in the 2040 General Plan EIR, or (4) are previously identified significant effects which, as a result of substantial new information which was not known at the time the 2040 General Plan EIR was certified, are determined to have a more severe adverse impact than discussed in the 2040 General Plan EIR. These findings are

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set forth in greater detail, accompanied by the substantial evidence in support thereof, in the Section 15183 Consistency Analysis.

Section 3. The City Council hereby approves the Design Review Permit for the Project as defined on the architectural plans prepared by Moule & Polyzoides, plans dated December 16, 2022 (**Attachments 7 through 11, and Attachments 13 through 18, Attachments 20 and 21**, of the May 2, 2023 City Council Staff Report) and Project M+ December 15, 2022, and the design of the Tentative Subdivision Map as defined on the application plans prepared by P/A Design Resources Inc., plans dated March 29, 2023 (**Attachment 7** of the May 2, 2023 City Council Staff Report) (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 mixed uses including single-family residential, multi-family residential and commercial uses are consistent with the Residential Mixed Use General Plan designation which allows for single family and multi-family development with a density range of 16 to 40 units per acre, resulting in 137 units minimum to 346 units maximum and a maximum Floor Area Ratio (FAR) of 1.0, inclusive of residential. The Project proposes 162 residential units and an FAR of 0.77 which is within the density range and below the maximum FAR of 1.0. 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 single family and multi-family residential units including the adaptive reuse of the historic Napa Infirmary buildings for residential and commercial uses which complement the existing neighborhood.

- 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 is consistent with all applicable development standards of the proposed Old Sonoma Road Master Plan Mixed-Use (MP:OSR-MU) zoning of the Site. All lots comply with the minimum lot size, coverage and setbacks of the MP:OSR-MU. As such, with implementation of the adopted conditions of approval, the design of the proposed subdivision and single-family and multi-family homes and commercial and residential reuse of the historic Napa Infirmary buildings would not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

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Section 4. The City Council hereby approves the removal of five Protected Native Trees on the Site pursuant to NMC Chapter 12.45 and makes the following findings in support thereof in accordance with NMC Section 12.45.090(B)(2)(d):

*A. The Project has minimized tree loss to the extent possible when balanced with General Plan land uses and policies and applicable design guidelines.*

The Project is consistent and will comply with the requirements of NMC Chapter 12.45 (Trees on Private Property) to the satisfaction of the Community Development Director and, after removal of existing trees and planting of new trees in accordance therewith, will result in a net gain of approximately 50 trees over existing conditions on Site, as shown in the Section 15183 Consistency Analysis and the Tree Inventory Report prepared by Ralph Osterling Consultants, Inc. dated December 14, 2022, and included as **Attachment 19** to the May 2, 2023 City Council staff report.

Section 5. The City Council hereby approves the Tentative Subdivision Map prepared by P/A Design Resources Inc., dated March 29, 2023, 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.*

The proposed subdivision, improvements, and mixed uses including single-family residential, multi-family residential and commercial uses are consistent with the Residential Mixed Use General Plan designation which allows for single family and multi-family development with a density range of 16 to 40 units per acre, resulting in 137 units minimum to 346 units maximum and a maximum Floor Area Ratio (FAR) of 1.0, inclusive of residential. The Project proposes 162 residential units and an FAR of 0.77 which is within the density range and below the maximum FAR of 1.0. There are no applicable specific plan design guidelines applicable to this Project.

The Project is also consistent with the following General Plan goals and policies, as analyzed in the April 6, 2023, Planning Commission Staff Report:

### **Land Use and Community Design Element**

- **Policy LUCD 1-1:** Focus urban development to be within the voter-approved Rural Urban Limit (RUL) to provide for the protection of the surrounding open space and agriculture uses.
- **Policy LUCD 1-2:** Promote efficient land use patterns to accommodate projected housing and job growth within the SOI, including by ensuring that development is within the stipulated (minimum and maximum) range.
- **Policy LUCD 3-5:** Support community and public realm design that reflects the community's diversity and meets the needs of persons of all ages and abilities.

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- **Policy LUCD 3-7:** Prioritize sustainable and energy-efficient site and building development patterns.
- **Goal LUCD-4:** Promote flexibility in parking and other development requirements, especially in areas targeted for higher-intensity, mixed-use, and pedestrian-oriented development, such as in Downtown and along corridors.
- **Policy LUCD 4-1:** Encourage mixed-use development by establishing flexible parking requirements, setbacks, and other development standards in the Zoning Ordinance.
- **Policy LUCD 6-3:** Foster production of a range of housing types to meet the needs of the City's increasingly diverse and changing population and enable a greater share of the workforce to live in the community.
- **Policy LUCD 6-4:** Support flexibility in land uses designations to respond to changing and evolving economic needs. Promote a mix of uses in appropriate locations and settings.
- **Policy LUCD 6-5:** Achieve a jobs/housing balance by prioritizing workforce housing for local workers and the creation of job opportunities.
- **Policy LUCD 10-4:** Encourage the development of housing for elderly, disabled, and low-income households in all parts of the community.
- **Policy LUCD 10-8:** For projects involving historic preservation or involving properties with unique site constraints, the allowable density range may be based on "net acreage" rather than gross acreage.

### Historic and Cultural Resources Element

- **Goal HCR-1:** Preserve and enhance Napa's historic resources. Encourage rehabilitation and adaptive reuse, as well as sensitive, context-compatible infill design.
- **Policy HCR 1-1:** Utilize sustainable or "green" building practices in the preservation and maintenance of historic resources, provided that the sustainable building practices adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties and local design guidelines.
- **Policy HCR 1-2:** Apply the California State Historical Building Code to rehabilitation projects to ensure that rehabilitation does not compromise the integrity of historic resources.
- **Policy HCR 1-6:** Encourage and assist property owners in bringing damaged or blighted historic properties into use and/or new use.
- **Policy HCR 2-1:** Leverage resources from State, federal, and private programs, as well as local preservation groups to assist in the identification, designation, and preservation of historic and cultural resources.

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- **Goal HCR-6:** Encourage retention of historic structures in their original use or conversion back to their original use where feasible and support sensitive, adaptive reuse.
- **Policy HCR 6-1:** Allow flexible use as part of an adaptive use strategy, provided that the architectural integrity of the building is preserved and conforms with the Secretary of the Interior's Standards for Rehabilitation. Standards for authorized types of uses should be identified in the zoning code.

### Climate Change and Sustainability Element

- **Policy CCS 5-6:** Continue to reduce energy use by promoting domestic water conservation and requiring water-efficient landscape improvements associated with new construction.

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 and Tentative Subdivision Map is subject to the following conditions:

#### COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION:

1. This Tentative Subdivision Map authorizes the subdivision of the Site into 20 parcels, consisting of eight single-family lots, six condominium parcels (Parcels F, G, H, J, K, and L) that will be further subdivided into up to 154 condominium units, one commercial parcel and five common space parcels. This Design Review Permit authorizes eight (8) single family homes on Parcels 1-8, 154 condominium units spread across Parcels F, G, H, J, K, and L for a total of 162 mixed-income for sale residential units and approximately 9,575 square feet of commercial uses on the Site as defined on the Application Plans prepared by Moule & Polyzoides, plans dated December 16, 2022 and Project M+ December 15, 2022, and P/A Design Resources Inc., plans dated March 9, 2023 (collectively, "Application Plans") and as reviewed and approved by the City Council, and as amended by these conditions of approval. The approval of 162 units is conditioned on the Applicant's acquisition of an additional 2,911 square foot parcel of unimproved real property adjacent to the Site ("County Parcel") from the County of Napa and completion of a lot line adjustment to add the County Parcel to Parcel F prior to issuance of a building permit for Parcel F. This approval also approves the removal of five protected native trees on the Site pursuant to NMC Section 12.45.090.

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2. If the Applicant does not acquire the County Parcel and/or complete the lot line adjustment prior to issuance of a building permit for Parcel F, the condominium units on Parcel F shall be reduced from 40 to 33, for a maximum of 155 residential units on the Site, consisting of 8 single-family homes and 147 condominium units.
3. Prior to issuance of a building permit for the Project, the Applicant shall execute and record an affordable housing agreement with City in accordance with NMC Chapter 15.94 restricting at least 15% or more of units in the Project for sale at an affordable sales price to extremely low, very low- or low-income households. The agreement shall be approvable as to substance by the Deputy City Manager and approvable as to form by the City Attorney. Alternatively, the Applicant shall pay the Affordable Housing Impact Fee in accordance with Section 15.94.030 prior to issuance of a building permit for the Project.
4. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements and conditions of the Design Review Permit and Tentative Subdivision Map.
5. The Applicant shall comply with all applicable mitigation measures in the 2040 General Plan EIR, as determined by the Community Development Director, in accordance with all applicable CEQA and City requirements.
6. Prior to approval of a final subdivision map (Final Map), the Applicant shall submit for review and approval, by the Community Development Director as to substance, and the City Attorney as to form, Covenants, Conditions & Restrictions (CC&Rs) that establish a homeowner's association and set forth the terms and conditions for ownership, operation and maintenance of the Private Improvements (defined herein, including common use components such as driveways, trash containers, landscape in parking areas etc.). Any proposed amendments to the approved CC&Rs shall be submitted for review to the Community Development Director or designee and shall be subject to approval by the Community Development Director as to substance, and the City Attorney as to form, prior to the amendments being valid. In the event a proposed amendment materially alters any of the provisions required by the City to be included in the CC&Rs, the Community Development Director may require the proposed amendment to be subject to approval of the Planning Commission. The CC&Rs shall include the following provisions as well as any additional provisions required herein:
  - a. A provision stating that the City is deemed to be an express third-party beneficiary of the CC&Rs and has the right, but not the obligation, to enforce any of the provisions of the CC&Rs.
  - b. A provision requiring all garages to remain unobstructed from storage items and available at all times for vehicle parking with a clear space of 19 feet by 19 feet for a two-car garage.
  - c. A provision prohibiting the storage of boats, RVs, or trailers anywhere on the Site, including in the subterranean garages.

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7. The Applicant shall clearly demonstrate compliance with the storage standards in the building plan submittal, to the satisfaction of the Community Development Director.
8. Each unit shall have its own gas and electric meter. Access to meters and heaters shall not require entry through another unit. A water shutoff valve shall be provided for each unit or for each plumbing fixture.
9. There shall be a minimum covered storage area of 60 cubic feet (minimum height of six feet eight inches and a depth or width of not less than two feet) for each dwelling unit with two or fewer bedrooms. An additional 20 cubic feet of storage with the same minimum dimensions shall be provided for each bedroom in excess of two.
10. Each unit shall have a laundry area for a washer and dryer, or a community laundry area must be provided.
11. Any modifications to the approved home elevations shall require an amendment to the Design Review Permit in accordance with NMC Section 17.68.140A.
12. 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.
13. 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.
14. The plans submitted for Building Permits for all buildings 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.
15. If window mullions are proposed for any exterior window within the Project, the window mullion shall be placed on the exterior of the window.
16. Prior to issuance of a demolition or grading permit for the existing structures on the Site, 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.
17. All exterior lighting on the Site shall be properly shielded and directed downward



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to preclude glare conditions that might impact nearby residential uses.

18. The plans submitted for improvement plan review shall include a final landscape plan, which shall be subject to review and approval by the Planning Manager.
19. A trash management plan shall be submitted for review and approval by the Planning Manager in conjunction with the Utilities Department-Materials Diversion Division prior to issuance of a building permit.
20. The Applicant shall obtain a Building Permit from the Building Division prior to construction of any improvements on the Site.
21. 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 permit issuance, including but not limited to the Affordable Housing Impact Fee (if applicable).
22. 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 March 15, 2023, attached hereto and incorporated herein as Exhibit A.
23. In the event that paleontological, archaeological or historical resources are uncovered during Site preparation, excavation or other construction activity, all such activity within 100 feet of the discovery shall cease until the resources have been evaluated by a qualified professional, and specific measures can be implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code.
24. In the event that human remains are uncovered during Site preparation, excavation or other construction activity, all such activity within 100 feet of the discovery shall cease until the remains have been evaluated by the County Coroner, and appropriate action taken in coordination with the Native American Heritage Commission, in accordance with section 7050.5 of the California Health and Safety Code or, if the remains are Native American, section 5097.98 of the California Public Resources Code. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact the California Native American Heritage Commission by telephone within 24 hours. The Commission shall immediately notify those persons it believes to be most likely descended from the deceased Native American (California Health and Safety Code Section 5097.98). The most likely descendant(s) will work with the project supervisor to determine the most appropriate treatment of the remains. No ground-disturbing activities can resume within 50 feet of the find until the issue has been resolved to the satisfaction of the Commission and/or the most likely descendant(s).
25. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.

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26. 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, which shall be approved by the Planning Manager. The final landscape plans shall specify the number, size and species of trees to be retained and removed consistent with NMC Chapter 12.45, to the satisfaction of the Community Development Director. Also: (1) all plant materials shall 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 Applicant shall notify the Agricultural Commissioner's Office of all impending deliveries of live plants with points of origin outside of Napa County and arrange for an inspection by the Agricultural Commissioner's Office prior to planting. No improvement plans shall be approved nor building permit issued until the Planning Manager 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. All landscaping shall be installed in compliance with the approved landscape plans prior to the issuance of a Certificate of Occupancy.
27. The Applicant shall prepare a Tree Protection Plan to be approved by the Planning Manager prior to the issuance of grading permits. The Applicant shall pay the applicable tree mitigation fees for the removal of five protected native trees approved to be removed in accordance with NMC Chapter 12.45, (see current Standard Fees and Charges adopted by resolution), prior to the issuance of grading permits in accordance with NMC Chapter 12.45, and shall comply with the applicable tree replacement requirements of Chapter 12.45 prior to the issuance of a Certificate of Occupancy.
28. A Final Fencing Plan for the Project shall be reviewed and approved by the Planning Manager prior to recordation of the Final Map or issuance of a building permit, whichever comes first. This plan shall include fencing between the Site and adjacent neighboring properties. At the discretion of the neighboring property owners, the Applicant shall construct a new fence between the Site and the neighboring properties. Should the neighboring property owner choose not to allow the Applicant to reconstruct the fence at their property line, the Applicant may construct a new fence beyond the existing neighbors fence on the Project side.
29. The design of the fence shall be reviewed and approved by the Planning Manager prior to construction. The Applicant shall offer the adjacent homeowners the option of installation of a six-foot solid fence with two feet of lattice.
30. All proposed and required fencing shall be installed in compliance with the approved landscape and fencing plan prior to the issuance of a Certificate of Occupancy for the corresponding unit.

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31. Construction activities shall be limited to specific times pursuant to NMC Section 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.
32. All retaining walls that are visible from the public right-of-way shall be designed with a decorative finish. Detailed retaining wall finishes shall be submitted with improvement plans and shall be approved by the Planning Manager.

### FIRE DEPARTMENT – FIRE PREVENTION DIVISION

33. New buildings and additions to existing buildings shall conform to requirements set forth in NMC Chapter 15.04.

### PUBLIC WORKS DEPARTMENT

34. Approval of this Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Napa Municipal Code (NMC), the City of Napa (CON) Standard Specifications and Standard Plans (dated January 2022) (CON Standard Specs), 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 Phase II Committee, dated July 14, 2014" (BASMAA Manual).
35. At the time of improvement plan submittal, 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.
36. The Applicant shall prepare Improvement Plans (IP) utilizing the "Initial Submittal Checklist", the "Improvement Plan Checklist" available at <http://www.cityofnapa.org/483/Forms-Handouts>. Completed checklists shall accompany the first submittal. Improvement Plan set shall include:
  - a. Erosion and Sediment Control Plan
  - b. Joint Trench Plan
  - c. Utility Plan
  - d. Grading and Drainage Plan
  - e. Stormwater Control Plan
  - f. Public Street Repair Plan
  - g. Show all existing and proposed (public and private) easements that are on the property or reserved in favor of the property (check Title Report if necessary).
  - h. Show temporary construction access.

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37. The IP and supporting calculations shall be prepared by a registered civil engineer and reviewed and approved by the City of Napa Public Works Department (PW) Development Engineering Division. The IP shall be prepared in substantial conformance with the plans prepared by PA Design Resources Inc. revision dated March 9, 2023, as modified herein by these Conditions of Approval. The IP 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.
38. The Applicant shall incorporate a group mailbox concept into the Project design. Proposed locations shall be reviewed and approved by the Post Office and the City of Napa Public Works Department in writing prior to installation.
39. The Applicant shall design and construct the following Public Improvements to be dedicated and maintained by the City of Napa to the limits shown on the project plans more specifically described below:
  - a. Frontage Improvements (curb, gutter, sidewalk, streetlights, street trees, signage, etc.) consistent with CON Standards along the entire Project frontage of Old Sonoma Road and Walnut Street. Frontage improvements include installing curb, gutter (CON Standard S-1A), Sidewalk and 6' Planting Strip (CON Standard S-4), Streetlights (CON Standard E-1), Handicap Ramp, Signage and any other improvements consistent with CON Standards and Specifications. In addition, any additional right-of-way necessary to accommodate these public improvements shall be dedicated to the City of Napa on the Final Map.
  - b. The IP 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, or destruction 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.). Associated with said plan are the following requirements:
    - i. The Applicant shall determine the limits of street repair in accordance with CON Standards, Section 3.01.07 Pavement Restoration Limits and Table 3.3 Pavement Restoration Limits. The condition of Old Sonoma Road in January 2023 is 65 PCI.
    - ii. 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.
  - c. 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.

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- d. 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 existing overhead utilities that conflict with the new improvements.
  - e. 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.
    - i. The Walnut Street driveway shall be designed to provide adequate sight distance to the south. This may include additional red curb marking, signage, vegetation removal and/or tree trimming, etc. The final driveway design shall be reviewed and approved by the City of Napa Public Works Department.
  - f. The Applicant shall repair all concrete in the City Right of Way that is damaged or displaced across the Site's frontage. The Applicant must take precaution to protect sidewalk, curb & gutter, and street. The Applicant is responsible to return area to like or better condition after completion of work.
40. Special Transportation Conditions:
- Prior to the Certificate of Occupancy of the first completed residential dwelling unit or residential building:
- a. The Applicant shall provide Class II bicycle lane striping and signage along Old Sonoma Road from Jefferson Street to the existing Class II lanes on Old Sonoma Road to the west.
  - b. The Applicant shall provide Class III bicycle route markings and signage along Walnut Street from Old Sonoma Road to Laurel Street.
  - c. The Applicant shall provide pedestrian improvements and crossing enhancements along Old Sonoma Road between Walnut Street and Gesford Street, and along Walnut Street between the Site and Old Sonoma Road. Pedestrian improvements and crossing enhancements include ADA curb ramps, striping, signage, and rectangular rapid flashing beacons. Pedestrian improvements and crossing enhancements shall be reviewed and approved by the City of Napa Public Works Department prior to installation.
  - d. Onsite access and circulation, including surface and subterranean parking lots, shall be designed in accordance with the CON Standards. Required truck turning movements shall be included on the Improvement Plans.
41. The Applicant shall design and construct the following Private Improvements that **will not** be dedicated and maintained by CON to the limits shown on the Project plans more specifically described below:
- a. All onsite curb, gutter, sidewalks, streets and parking areas. Street structural section shall be designed consistent with CON Standards.

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- b. All curbs intended for no parking shall be painted red and posted with No Stopping Fire Lane (R26F).
42. Drainage and Grading – The following items related to drainage and grading shall be submitted and shown on the IP 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. New public storm drain system conveying water from the Project Site.
  - c. Existing topography shown with contour lines labeled at one-foot intervals and extending 100 feet beyond the Project Site, or sufficient information to determine drainage impacts on adjacent properties.
  - d. Applicant shall submit storm drain system calculations prepared by a registered civil engineer based on the requirements in CON Standards.
  - e. Detention improvements shall be incorporated into the Project storm drain system design consistent CON Standards, Section 2.10 “Detention”.
  - f. 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. All storm drainage pipes installed within public streets or easements shall be a minimum of 18 inches in diameter and shall be a minimum of class III reinforced concrete pipe with rubber gasketed joints, unless otherwise approved by the Public Works Director or their designee. Applicant shall comply with CON Standards, Section 2.13.05.
  - h. In the event that the Applicant proposes a pumping system(s) for the stormwater system, the Applicant shall include more than one pump for redundancy and means to provide back up power to those pumps. Operations and Maintenance of the pumping system shall be included in the CC&Rs.
  - i. Any retaining walls which are greater than one foot in height, which are adjacent to a property line, shall be masonry or concrete.
43. **Construction Water Quality Measures** – In accordance with the NPDES Construction General Permit, the property owner shall insure that the Applicant and the contractor incorporate storm water quality Best Management Practices (BMPs) into the project construction process.
- a. Project > 1 acre of disturbance: Provide a State Stormwater Pollution Prevention Plan (project disturbance >1 acre), as required per the States Construction General Permit. A copy of the Stormwater Pollution Prevention Plans (SWPPP) along with Waste Discharge Identification Number (WDID) will need to be provided to the Public Works – Stormwater Program prior to issuance of grading permits.  
[http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml)
  - b. The construction BMPs shall be shown on the project Erosion and Sediment Control Plan.
  - c. 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.

- d. 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.
- e. The project property owner shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.

44. **Post Construction Water Quality Measures** – In accordance with the BASMAA Manual, the Applicant shall incorporate post Development measures BMPs into the Project design to mitigate Project impacts to water quality. <http://ca-napa.civicplus.com/574/Stormwater-Quality> Under “Documents”:

- a. The post-construction BMPs shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).
- b. All designated projects – The Applicant shall prepare and submit a SCP per “BASMAA Post-Construction Manual, dated January 2019,” standards and an ESCP.
- c. The Landscape plans shall be submitted to the Development Engineering Division (DED) with the submittal of the Improvement Plans. Landscape Plans shall illustrate all Low Impact Development (LID) post construction measures and include the required plant species as specified in the BASMAA Post-Construction Manual.
- d. The post construction BMP measures shall be installed by the Applicant and designed and sized by a registered civil engineer in accordance with the City’s adopted BASMAA Post-Construction Manual and an accepted design method such as that which is outlined in the “California Storm Water Quality Association BMP (CASQA-BMP) Handbook”. The design and calculations are to be reviewed and approved by the DED.
- e. Applicant may submit for review of an alternative stormwater treatment design for consideration by the City provided the following conditions are demonstrated when compared to standard design:
  - i. Equal or greater amount of runoff infiltrated or evapotranspired
  - ii. Equal or lower pollutant concentrations in runoff that is discharges after biotreatment
  - iii. Equal or greater protection against shock loadings and spills
  - iv. Equal or greater accessibility and ease of inspection and maintenance.

The City may require affirmation from the San Francisco Bay Regional Water Control Board that alternative design meets the City’s Water Quality Permit requirements.

- f. The Applicant shall submit storm drain system design calculations that are prepared by a registered civil engineer for review and approval by the DED. Storm drain system design flows shall be calculated based on the requirements listed in the CON Standards and Specifications. 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,

## ATTACHMENT 2

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 CON 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.

- g. 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 captures trash does not reduce device efficiency or create flooding, a minimum of once annually.
- h. The property owner shall enter into a long-term maintenance agreement with CON 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 stormwater BMPs practices that are incorporated as part of the Project and as called out in the approved SCP in accordance with the following:
  - i. The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City PWD, and procedures for administration and oversight.
  - ii. The agreement shall be recorded prior to approval of the IP. 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 as to substance and the City Attorney as to form necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to IP approval.
  - v. 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.



## ATTACHMENT 2

- vi. 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 NMC chapter 8.36, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council.
45. Prior to approval of the Improvement Plans, the Applicant shall submit documentation to PW-DED demonstrating that the following have been addressed:
- The Applicant shall pay off all current account balances based on the rate in effect at the time of permit issuance.
  - The Applicant shall pay a deposit for inspection fees for public improvements.
  - Any work performed on neighboring properties shall be done with temporary construction easements subject to prior review and approval by PW-DED as to substance and the City Attorney as to form.
  - 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.
  - The Applicant shall 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.
46. Prior to commencing any activities on Site, including any ground disturbing activities, the Applicant shall:
- Conduct a pre-construction meeting with representatives of the City whereby the Applicant and the Contractor provides the following:
    - Six (6) full size bond copies of the approved Improvement Plans for City's use.
    - One (1) job site copy of the CON-Standard Specs for their use.
47. Prior to issuance of a 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). For illustrative purposes only, the current rates for the Street Improvement Fee (effective July 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	Condominium	154	\$1,516/DU	\$1,388/DU	\$233,464	\$213,752
	Single Family Detached Housing	8.00	\$2,465/DU	\$2,258/DU	\$19,720	\$18,064

## ATTACHMENT 2

	Moderate Volume Service Commercial	7.57	\$4,109/KSF	\$273/KSF	\$31,101	\$2,066
Existing Use (Credit)	Office Park	85.1	\$2,636/KSF	\$177/KSF	(\$224,440)	(\$15,071)
					<b>\$59,845</b>	<b>\$218,811</b>

- b. If the Public improvements associated with the Project are not completed at the time of issuing the building permit, the Applicant shall execute a Project Improvement Agreement, provide bonds, and provide proof of workers compensation insurance and general liability insurance in the forms and amounts as required by the City's Risk Manager and City Attorney. Typically, one million dollar (\$1,000,000) general liability insurance is required.

48. **SUBDIVISION MAP (FINAL MAP)** - The Applicant shall submit the Final Map for review by the Public Works Department Development Engineering Division, utilizing the Final Map checklist, and approval by the City Engineer. The form and approval of the Final Map shall meet the following requirements:

- a. The Final Map shall comply with the Subdivision Map Act, Government Code Sections 66410 *et seq.* and the requirements set forth in NMC Title 16.
- b. The Final Map shall show all public and private easements. Any required private easements shall be conveyed by separate instrument and shall be recorded prior to or concurrently with recordation of the Final Map. Any required public easements shall be offered to the City for dedication on the Final Map.
- c. The Applicant shall include abandonment of any applicable existing utility easements.
- d. The Applicant shall record CC&Rs and establish a 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 City Engineer must approve the substance and the City Attorney shall approve the form of the CC&Rs and associated documents prior to the approval of the Final Map.
  - ii. The CC&Rs shall be recorded contemporaneously with the Final Map.
  - iii. The CC&Rs must provide a detailed outline of 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.
  - iv. In addition, the CC&Rs must include appropriate provisions, as determined by the City Attorney, 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 by the City Attorney to be 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

## ATTACHMENT 2

to enforce the obligations and secure attorney's fees for legal counsel to enforce such obligations.

- e. Prior to approval of the Final Map, the Applicant shall either install all required public improvements or 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.
  - f. 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.
  - g. 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 for prior review and approval as to substance by the City Engineer and as to form by the City Attorney.
49. Prior to issuance of a certificate of occupancy of the first unit or Building Permit Final (whichever occurs first): 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.
- a. Public Street Repair Plan shall be completed.
  - b. Any damaged curb, gutter, sidewalk or other public improvements shall be replaced in accordance with CON-Standards.
  - c. Onsite and offsite improvements shall be installed to the satisfaction of the City Engineer. This will be demonstrated by completing the PW inspector's punch list.
  - d. Submit a certification by the Geotechnical Engineer of Record that all work has been completed in conformance with the recommendations in the Soils Investigation/Geotechnical Report.
  - e. 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.
  - f. 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.
  - g. 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.
  - h. The Applicant shall complete the Bioretention checklist form as specified in the SCP and include the contractors and engineer of records signature verifying all post-construction BMPs have been installed and inspected as designed per the

## ATTACHMENT 2

approved plans. A copy of the form may be requested from the PW DED – Stormwater Program.

- i. Prior to Final PW-DED & Final SW sign off on building permit, all disturbed areas shall be installed with final, permanent stabilization measures to ensure no sediment laden water discharged from the Site.

### UTILITIES DEPARTMENT – WATER & SOLID WASTE DIVISION

- 50. Prior to approval of the improvement plans, the Applicant shall submit a utility plan for review and approval by the Utilities Department identifying the following information:
  - a. Size of existing water service(s) to Site;
  - 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 single water service for each lot with approved backflow prevention device. Water services may not be shared across property boundaries per NMC Section 13.04.230. The type of backflow device(s) required to be installed shall be determined by the Utilities Department Cross-Connection Specialist.
  - e. Installation of an appropriately sized water service(s) with approved backflow prevention device(s). If there is no existing backflow prevention device, one must be installed. The type of backflow device(s) required to be installed shall be determined by the Utilities Department Cross-Connection Specialist.
  - f. Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations;
  - g. All hydrants (existing and proposed) shall have a concrete pad poured per City Std. W-8;
  - h. Relocation and replacement of the existing fire hydrant near Monroe Street and the proposed Private Elm Street to a City approved location;
  - i. Installation of a sufficient number of water main valves at City-approved locations;
  - j. Relocation of any affected water facilities and/or appurtenances;
  - k. Installation of a sufficient number of water quality monitoring/sampling stations at City-approved locations;
  - l. Size and location of all proposed water services (residential, fire, irrigation, etc.);
  - m. Meter boxes and water services shall be located a minimum of 3-ft outside any vehicular travel ways.
  - n. All new water connections shall be made to distribution pipelines only. New connections to the City's 14-inch transmission main are not allowed.
  - o. If existing distribution pipelines are undersized to serve the Project, the Applicant shall be solely responsible for installation of new pipeline(s) as required to serve the Project.
  - p. Water services and meters shall be installed per City Standards within public right-of-way or dedicated public utility easement.
  - q. Water services for commercial buildings shall be serviced by a dedicated meter separate from water services for residential buildings;
  - r. Construction of improvements (permanent structures, other utilities etc.) shall meet the minimum required clearances from all public water infrastructure per City Std W-18, W-22A and W-22B.

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- s. Installation of reduced pressure backflow prevention devices are required on all water services for multi-family housing.
  - t. Manifolded water services are not allowed;
  - u. Onsite private water infrastructure (including private water system pipelines, pumps, wells, recycled water pipelines, and grey water systems, etc., if applicable)
51. Prior to approval of a Final Map, Applicant shall grant a 20-ft public utility easement for the existing 6-inch water main on the Site including additional public utility easements as required by the City of Napa Water Division to encompass all existing and proposed public water facilities (meter boxes, fire hydrants, water service lines, valves, etc.) on the Site.
52. Prior to Building Permit approval, the Applicant shall:
- a. Submit a hydraulic report prepared by a Civil Engineer identifying estimated Project water demands and documenting all Project demands (fire flow, domestic, irrigation) are met by the proposed private water infrastructure improvements. If a public water system deficiency is identified because of the Project, the Applicant shall be solely responsible for completing upgrades to the public water system prior to issuance of a temporary certificate of occupancy to ensure existing customers are not adversely affected. Undersized services are not allowed.
  - b. Submit fire sprinkler plans (if applicable) to the Fire Prevention Division for review and approval. The water service size required to meet fire sprinkler demands shall be consistent with the water service size on the Civil plan set.
  - c. Comply with the Napa County Department of Weights & Measures submetering requirements if the Project will include water service submetering. Design of the submeter shall comply with California Civil Code Section 1954.203. All multi-family residential uses must include submetering.
  - d. Show compliance with Napa High Performance Building Standards on the building permit plan set. This requirement can be met by listing the make and model of each plumbing fixture, or by labeling each fixture with the maximum flow rate. (see table for fixture requirements)

Plumbing Fixture	High Performance Building Standard
Toilet	Shall not exceed 1.28 gallons per flush(gpf). Must be certified U.S. EPA WaterSense
Showerhead	Shall not exceed 1.8 gallons per minute (gpm) at 80 psi. Must be certified U.S. EPA WaterSense
Bathroom Faucet	Shall not exceed 1.2 gpm at 60 psi
Kitchen Faucet	Shall not exceed 1.5 gpm at 60 psi

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<b>Dishwasher</b>	<b>Shall be "Energy Star"</b>
<b>Clothes washer</b>	<b>Shall be "Energy Star"</b>

- e. Submit all required water service capacity/connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559.

53. Prior to Occupancy, the Applicant shall:

- a. Submit remaining fees (hot-taps, meter sets, etc.) to the Water Division at 1700 Second Street, Suite 100, Napa, CA;
- b. Construct all water improvements as shown on the approved plans, the City of Napa Public Works Department Standard Specifications and the special conditions listed above;
- c. Designate applicable on-site private fire hydrants as private per City Std W-8;
- d. Request backflow device inspection from City of Napa Water Division. Call (707)257-9544 at least 48 Hours in advance of requested inspection time;
- e. Submit certification that all backflow devices have been installed and tested by an AWWA certified tester (a list of testers is provided by the City of Napa) to the City of Napa Water Division;
- f. Complete a meter verification test (to be scheduled and performed by the City of Napa Water Division).

54. Prior to Building Permit Final, the Applicant shall:

- a. Demonstrate that it has met all water demand mitigation requirements, if applicable, as stated in NMC Section 13.09.010. The Applicant shall contact City of Napa Water Division at 707-257-9309 for information regarding the Project's water demand mitigation requirements under NMC Section 13.09.010. The Applicant is responsible for fulfilling all water demand mitigation (offset) requirements using one of three possible methods: 1) Toilet Retrofit Certificates, 2) In-Lieu Fee per the City's Master Fee Schedule, or 3) Alternative Method, as specified in a program letter sent following building permit issuance;
- b. Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats;
- c. Applicant shall physically mark 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).

55. Prior to approval of the Improvement Plans, the Applicant shall:

- a. Submit a comprehensive Solid Waste, Recyclable Materials, and Compostable management plan identifying how all waste streams generated by the Project will be collected by the City's authorized contractor.
- b. Submit a civil/site plan for review and approval by the Solid Waste & Recycling Division identifying solid waste, recyclable materials, and compostable materials enclosure(s) in accordance with NMC Section 17.52.390 and the City's "Solid

## ATTACHMENT 2

Waste, Recyclable Materials & Compostables Enclosure Standards". The location, layout and dimensions of this facility shall be shown on the improvement plans.

- c. Submit a site circulation plan showing the collection vehicle's route throughout the site to each service location.

56. Prior to approval of the Building Permit, the Applicant shall:

- a. Comply with NMC Chapter 15.32 which requires projects that; (a) exceed \$100,000 in building valuation; or (b) exceed 5,000 sq.ft. of new, improved, or remodeled areas. If the Project is subject to the requirements above, the Applicant shall file a Waste Reduction and Recycling Plan (WRRP) for review and approval with the Solid Waste & Recycling Division with the building permit application. No building permit shall be issued for any project until the Compliance Official has approved the WRRP. The plan shall document that recyclable materials shall be separated for recycling in order to meet the requirement of the City's construction and demolition debris ordinance - recycling mandatory recyclables and exceeding overall 50% diversion.

57. Prior to approval of a Certificate of Occupancy, the Applicant shall:

- a. Submit official weight receipts/tags for each load for review by the Compliance Official.

### CITY GENERAL CONDITIONS

58. 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.
59. 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.
60. No use authorized by this permit may commence until after the Applicant executes any required permit agreement required by previously stated conditions of approval.
61. 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).

62. 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.
63. 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.
64. 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.
65. 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.
66. 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.
67. 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.



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68. 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.
69. The Tentative Subdivision Map and Design Review Permit shall become effective immediately upon the effective date of the Ordinance establishing the Old Sonoma Road Mixed-Use Master Plan District (MP: OSR-MU) and rezoning the Site to MP: OSR-MU, and are 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 2nd day of May, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney

**EXHIBIT A**

March 15, 2023

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

RE: 23-0002 Old Sonoma Road Mixed Use, REFRL-001387, Napa Community Real Estate Fund, 2344 Old Sonoma Road (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.

**NapaSan deems this application incomplete for the following reasons:**

1. The proposed design shows reuse of existing onsite sanitary sewer infrastructure. The existing sewer infrastructure is not suitable for reuse and shall be abandoned per NapaSan standards. The developer shall construct a new sanitary sewer system, per NapaSan standards, to serve the development.
2. It is unclear if the design proposes a public or private sewer system. Please resubmit to show conformance with NapaSan's standards for public or private sewer systems.
3. Contact NapaSan staff at (707) 258-6012 or [gglascott@napasan.com](mailto:gglascott@napasan.com) to schedule a time to discuss the completeness items.

The following draft conditions are based on the information currently available and are subject to change upon receipt of additional information:

1. A plan showing the required sanitary sewer improvements, conforming to NapaSan standards, shall be prepared by a registered civil engineer and submitted to NapaSan for approval prior to issuance of permits.

NapaSan  
1515 Soscol Ferry Road  
Napa, CA 94558

Office (707) 258-6000  
Fax (707) 258-6048

[www.napasan.com](http://www.napasan.com)

**EXHIBIT A**

2. If the proposed development is served by a private sanitary sewer system, the owner shall enter into an agreement with NapaSan that outlines the maintenance responsibilities of the private sanitary sewer mains. The sanitary sewer system shall meet NapaSan standards for private mains (2% minimum slope for 4-inch pipes and 1% minimum for 6-inch and greater).
3. If the proposed development is served by public sewer, then public sanitary sewer easements shall be dedicated to NapaSan, and it shall be designed per NapaSan standards.
4. The appropriate language shall be included in the CC&R's regarding maintenance of the onsite sanitary sewer mains. A draft shall be submitted to NapaSan for review.
5. The owner/developer shall enter into an improvement agreement with NapaSan and post the appropriate bonds covering the sanitary sewer work.
6. The proposed development shall not share sewer infrastructure with any neighboring parcels. Any existing shared connections shall be disconnected and properly capped per NapaSan standards.
7. Sanitary sewer mains shall have a minimum clearance of 10 feet from proposed trees, 10 feet from water mains, 5 feet from other utilities, and 5 feet from bioretention areas.
8. 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.
9. Should there be a below grade parking area, it shall be connected to a sand and oil separator and shall meet NapaSan standards. Contact NapaSan for more information.
10. Should there be a drain in a trash enclosure, it shall be connected to a grease interceptor and the trash enclosure shall meet NapaSan standards. Contact NapaSan for more information.
11. A grease interceptor will be required for any restaurant or food service types of use.
12. Discharge lines from elevator sump pits shall not be connected to the sanitary sewer.

**EXHIBIT A**

13. Commercial and residential units shall be served by separate sanitary sewer laterals.
14. Each single-family home shall be served by a separate sanitary sewer lateral.
15. Floor drains are not allowed except in restrooms and food service areas. Any existing floor drains shall be permanently abandoned.
16. Plumbing from outdoor pool/spa areas or water features shall not be connected to the sanitary sewer system.
17. 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 (per condominium/single-family dwelling)
  - f. Capacity Charges for commercial space (based on use and square footage. Outdoor dining and event space are included in the square footage)
18. 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](http://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 \$11,087 and will increase by the Consumer Price Index (CPI) annually in July. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff at (707) 258-6012 or [gglascott@napasan.com](mailto:gglascott@napasan.com) for additional information.

Sincerely,



Gavin Glascott  
Assistant Engineer

March 15, 2023  
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