

RESOLUTION R2018 __

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN
REVIEW PERMIT, AFFORDABLE HOUSING REGULATORY
AGREEMENT, AND DENSITY BONUS AND
CONCESSIONS FOR THE BRIDGEVIEW APARTMENT
PROJECT AT 122 BROWN STREET AND 151 RIVERSIDE
DRIVE

WHEREAS, an application for a Design Review Permit and Density Bonus and Concessions for a 16-unit apartment project was submitted for the property at 151 Riverside Drive (APN: 005-131-039) on June 3, 2015; and

WHEREAS, in implanting the application for Density Bonus and Concessions, the parties negotiated terms of a proposed Affordable Housing Regulatory Agreement and Declaration of Restrictive Covenants, as described further in this resolution; and

WHEREAS, the application includes the use of the existing 41-unit Bridgeview Apartments property located at 122 Brown Street (APN: 005-131-038), as well as the additional 16-unit expansion identified in the first recital (collectively, "the Development")

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on February 16, 2017 on the Project and has recommended denial of the subject application; and

WHEREAS, the City Council determined that the potential environmental effects of the actions authorized by this resolution were adequately examined by the Mitigated Negative Declaration that was adopted by the City Council on January 16, 2018; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings; and

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 authorizes the Community Development Director to execute the Affordable Housing Regulatory Agreement and Declaration of Restrictive Covenants ("Affordable Housing Agreement") in substantial conformance with the document presented to City Council at the meeting of January 16, 2018.

Section 3. The City Council hereby approves the Design Review Permit, and Density Bonus and Concessions defined herein, and makes the following findings in support of the approval:

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

The property is located in the MFR-157, Multifamily Residential General Plan Designation, which allows for multifamily residential development at a density of 9-20 units per acre. The proposed multifamily use of the property is consistent with the Multifamily Residential General Plan designation and the prescribed General Plan density with the approval of a density bonus and concessions pursuant to State Density Bonus law (Government Code Section 65915) and the Supplemental Density Bonus provisions of Napa Municipal Code Section 17.52.130(F).

Density Bonus: The total Development encompasses 1.45 acres, which would permit 29 dwelling units at the maximum density of 20 units per acre for MFR-157. The Development proposes three dwelling units affordable to very-low income households (10.3% of permitted dwelling units), and eight dwelling units affordable to low income households (27.6% of permitted dwelling units). Since these affordability levels exceed the maximum affordability thresholds set forth in Government Code Section 65915(f), the City Council is authorized to approve a Supplemental Density Bonus of 100% (increasing the maximum density from 20 units per acre to 40 units per acre), pursuant to Napa Municipal Code Section 17.52.130(F). Using an approved Density Bonus of 40 units per acre over the 1.45-acre Development property, and conditioned on the execution of the Affordable Housing Agreement defined by Section 2 of this resolution, the City Council hereby approves up to 57 total units for the Development.

Concessions: Based on the same affordability levels for the Development set forth above (10.3% very-low income; and 27.6% low income), the Development is entitled to two concessions (per Government Code Section 65915(d)(2)). Conditioned on the execution of the Affordable Housing Agreement defined by Section 2 of this resolution, the City Council hereby approves the following concessions: (1) an encroachment of up to eight feet for two new stairwells, into what is otherwise a 20-foot minimum front setback requirement on the Riverside Drive frontage, which will allow the two new stairwells to have a 12-foot setback; and (2) a decrease in the number of required parking spaces from 57 to 56.

The proposed development is consistent with the goals and policies of the General Plan in that it provides affordable housing for the City, and all new construction is designed to be consistent with the neighborhood through transitional standards and other mitigations built into the project.

Land Use Element Policy LU-3.1 encourages the efficient development and

redevelopment of land within the RUL in order to allow job and housing growth through the end of the planning period. The Development provides an efficient housing development that will provide housing for a variety of income levels on an underutilized parcel of land. The development will also assist the City in achieving its goals as provided in the Housing Element and the State Housing & Community Development (HCD) as part of Napa's regional fair share needs allocation (RHNA).

Land Use Policy LU-4.3 encourages the development of housing for the elderly, disabled, and low-income households in every planning area with residential Pods, where the City determines the development is compatible with surrounding land uses and where site conditions and service capabilities permit. The Development includes an expansion of an apartment project that had previously committed units to elderly, low income, and disabled families; however, that provision has since expired. As part of the Development, the Applicant will enter into a new Affordable Housing Regulatory Agreement in which three units will be restricted to families with very-low incomes and eight units will be restricted to families with low-incomes.

Land Use Policy LU-4.4 encourages the use of density bonuses and other incentives to encourage development of housing affordable to low-income households. The Development has a project density of 40 units per acre which exceeds the 20 units per acre density as provided in the General Plan; however, General Plan Residential Development Policies allow for an increase in project density through density bonuses (consistent with the Housing Element, State Density Bonus Law, and City Supplemental Density Bonus) to facilitate the provision of affordable housing.

Housing Element Policy H1.1 promotes creative and efficient use of vacant and built on land within its RUL to help maintain the City's pre-eminent agricultural environment and open space. The Development provides an efficient housing development that will provide housing for a variety of income levels on an underutilized parcel of land. To the extent that infill parcels may be re-designated and rezoned to include additional housing units, particularly desired apartments for the community's workforce and units dedicated to affordable housing, within the context of the parcel's surroundings, staff believes this policy is achieved.

Housing Element Policy H1.2 encourages that the City maintain an adequate supply of land designated for all types of residential development to meet the quantified housing need of 835 City units and up to 57 County units for the state-mandated time frame of the Housing Element (2015 to January 2023). Within this total, the City shall maintain a sufficient supply of land zoned for multi-family housing to meet the quantitative housing need of 317 lower income and 151 moderate income housing units. The Development is consistent with the above policy in that it provides housing units that will help

meet the quantified housing needs for the City for both market rate and affordable housing units. Although this particular site was not specifically identified in the City's Housing Element as a site needed to meet Napa's RHNA, it is located adjacent to an existing developed apartment project also owned by the Applicant and is within an area of the community where there is a mix of apartments and single family homes.

Housing Element Policy H1.4 encourages that the City make every effort to approve well-designed projects at the mid to high range of General Plan densities. The proposed General Plan Amendment will enable expansion of the existing apartment complex. The proposed density achieves this policy direction.

Housing Element Policy H1.7 encourages that the City recognize that density bonuses help achieve housing goals and shall promote their use consistent with the provisions of state law for qualifying lower and moderate income housing development (and child care facilities). The Development has a project density of 40 units per acre which the General Plan Residential Development Policies allow for an increase in project density through density bonuses (consistent with the Housing Element, State Density Bonus Law, and City Supplemental Density Bonus) to facilitate the provision of affordable housing. The proposed General Plan Amendment will allow for the expansion of the existing apartment complex and provide three deed-restricted units to families in the very-low income level and eight units to families in the low-income level.

Housing Element Policy H2.1 encourages that the City shall continue to support and encourage new affordable housing projects. The Development includes providing three units that will be affordable for very low income households and eight units that will be affordable for low-income households in an area that has a variety of housing types and densities. A recommendation of support for the requested General Plan Amendment and Rezoning would advance this policy.

Housing Element Policy H2.2 encourages an increased mix of various types of housing throughout the City to meet community housing needs, provide greater housing choices, and improve transportation choices. The Development will provide a housing type that is currently in demand to satisfy community housing needs and exists generally in this neighborhood including immediately to the west on a parcel that is also owned by the Applicant.

Housing Element Policy H2.14 encourages that the City assure that affordable housing provided through density bonuses, inclusionary programs and other incentives will stay low cost long-term consistent with State law. The Applicant will enter into a new Affordable Housing Regulatory Agreement to construct three of the housing units to remain at an affordable rental price to very-low

income households and eight of the housing units to remain at an affordable rental price to low-income households for a period of 55 years.

Housing Element Policy H3.1 encourages high quality, well-designed housing that respects the surrounding neighborhood, and provide for a greater variety of housing options to meet community needs. The project proposes buildings with a combination of vertical and horizontal lapped siding and balconies similar to the existing multifamily buildings. The change in roof plane, building articulation, and massing provide traditional architectural forms.

There are no applicable specific plan design policies.

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

The proposed site layout and architecture are consistent with the goals, policies, and recommendations outlined in the Residential Design Guidelines which encourage multifamily developments to be designed to be respectful of the scale and rhythm of Napa's traditional neighborhoods. The residential buildings are two-story walk-ups with attached tuck-under one car garages. Balconies and gables are proposed on each building. Varying roof heights and building planes serves to break up the perceived bulk of the buildings. The ends of the buildings also step down in height to provide transition to the property to the north. The residential buildings have been designed with a common vocabulary of forms and architectural elements. All of the buildings will feature composite siding in either a vertical or lap siding application to complement the existing multifamily buildings. All of the proposed buildings feature window-trim detail and roof elements with composition roofing shingles. The units feature windows that are aligned with each other and other building elements to provide a harmonious appearance. The change in roof plane and building articulation/massing present interesting elevations that are not overly repetitive and provide traditional architectural forms. The new buildings will complement the existing multifamily buildings by providing a combination of vertical and horizontal lapped siding and balconies similar to the existing buildings.

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

Multifamily developments may be established with Design Review approval. With Design Review approval, the proposed project will be in compliance with the provisions of the Zoning Ordinance. The project has been appropriately conditioned to ensure compliance with General Plan policies and property development standards and will not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

Section 4. The City Council approval of the Design Review Permit, and Density Bonus and Concessions is subject to the following conditions:

Community Development Department – Planning Division

1. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements and conditions of the Design Review Permit and Density Bonus.
2. 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.
3. The plans submitted for Building Permit for the future building within the development shall include building elevations that provide the same level of architectural detail found on the front elevation for all elevations. The exterior treatment of each building elevation shall be consistent in form and materials, and provide an overall coherent design for the entire building.
4. The plans submitted for Building Permit shall include final landscape plans for the proposed development that shall be reviewed and approved by the Parks and Recreation Department prior to issuance of a Building Permit. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.
5. The plans submitted for Building Permit shall include the fences, walls, trash enclosures and carport details shown on the images for the development and included within the staff report. These features shall be designed in the same architectural style and include the same details and quality materials.
6. All roof mounted mechanical equipment shall not be permitted to protrude above the plane level of the roof unless otherwise screened from public view. Any devices used to screen such equipment shall appear as an integrated part of the architectural design, and as such, be constructed of complementary materials and finished in a complementary texture and color scheme to the overall architectural design.
7. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated in to a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Because transformers and backflow prevention devices are regularly maintained and tested, screening is required to meet certain criteria for the accessibility and visibility, as specified in this

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handout. Landscaping and screening of devices must be installed, prior to issuance of a Certificate of Occupancy on the project.

8. No banner signs or other temporary signs shall be installed without prior approval of a sign permit as required by code.
9. Consistent with the City's Sign Ordinance, no portable (e.g. A-frame, portable, rotating, flashing, animated, moving or having the appearance of moving, inflatable) signs are permitted.
10. Prior to the issuance of occupancy, the Applicant shall install a directory sign indicating the location and house number of individual units which do not front on the street. The directory sign is subject to a separate review and approval by the Planning Manager.
11. The parking and storage of recreational vehicles is prohibited.
12. These entitlements shall be valid for a period of two years following the effective date of this action. In order to avoid expiration of the entitlements, a Building Permit must be issued prior to the expiration date. The Applicant may also apply for the discretionary approval of an extension of the entitlements prior to the initial two-year expiration, in accordance with the applicable requirements of the Napa Municipal Code.

Community Development Department – Housing Division

13. The Developer is proposing to provide three very-low income units restricted to very-low income (50% or below of median) households and eight units restricted to low-income units (80% or below of median) households and is requesting a supplemental density bonus under Section 17.52.130 F. of the Napa Density Bonus Law of the Zoning Ordinance.
14. The Developer is proposing these units may be located in either the new or existing apartment buildings. This is acceptable provided the unit is inspected by the City Housing Division and determined to meet Housing Quality Standards (HQS).
15. The Developer shall make a good faith effort to disburse the units throughout the apartment buildings.
16. For all affordable units provided by the project, the following shall apply:
 - A. All designated affordable units shall be comparable to the non-designated units within the project. All of the designated affordable units shall have the same interior and exterior treatment and furnishings.

- B. The developer and/or owner and the City shall enter into an agreement, subject to review by the Community Development Director and approval as to form by the City Attorney, which shall be recorded against the property, to ensure a 55-year term of affordability.
 - C. The units designated for rent by very-low income households shall be affordable at rents that do not exceed 30% of 50% of area median income adjusted for a utility allowance established by the Housing Authority for tenant paid utilities, and adjusted for presumed household size.
 - D. The units designated for rent by low-income households shall be affordable at rents that do not exceed 30% of 60% of area median income adjusted for a utility allowance established by the Housing Authority for tenant paid utilities, and adjusted for presumed household size.
 - E. If a unit is rented to a household participating in the Section 8 Housing Choice Voucher Program or other rental assistance program, the developer may charge rent up to the Section 8 payment standard.
17. The developer and/or property owner shall provide the City a yearly report of the total units occupied and vacant designated for lower income and median income households, and the rents charged. The developer and/or property owner shall pay the City an annual monitoring fee equal to \$70 per affordable unit subject to an annual fee increase equal to CPI.

Fire Department

18. In accordance with the Standard Mitigation Measures and conditions of approval set forth in the City of Napa Policy Resolution 27, and the Standard Fees and Charges (Policy Resolution 16), the developer shall pay the Fire and Paramedic Impact Fee prior to the issuance of any Building Permits.
19. Fire Department plan review shall be based on the information submitted at the time of permit application.
20. All project shall provide adequate fire flow in accordance with Appendix B and C of the California Fire Code.
21. Automatic fire sprinkler systems shall be installed in accordance with provisions set forth in the California Fire Code as amended by the City of Napa and the applicable National Fire Protection Association Standard.
22. In new construction, fire protection equipment should be located within an interior room having an exterior access door or in an exterior enclosure attached to the building, specifically for the purpose of housing such equipment.
23. Plans and calculations for all fire protection systems and features shall be submitted and approved prior to the issuance of a Building Permit.

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24. Properties having common ownership shall provide the Fire Department with a notarized copy of the recorded conditions, covenants, and restrictions agreement stating that all components of fire protection system(s), including hydrants, will be maintained by a maintenance district, owner's association, or similar legally responsible entity.
25. Fire Department connections shall be located not more than 100 ft. from the nearest fire hydrant connected to an approved water supply.
26. Underground utility contractor, architect and fire sprinkler contractor shall coordinate location of risers and control valves prior to the issuance of a Building Permit.
27. Plans for building fire alarm system or water sprinkler monitoring system (as required) shall be submitted and approved prior to the issuance of a Building Permit.
28. If streets or access roads are not paved from October 15 through April 15th, the City requires that a temporary all weather access road be provided prior to the stockpiling of combustible materials or beginning combustible construction.
29. Fire apparatus access shall be provided to within 150 feet of the most remote portions of all buildings from an approved exterior route. Provide a fire department circulation plan using the City's ladder truck and demonstrate clear turning movements throughout all parts of the project.
30. 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 72,000 lbs.
31. When required by the fire code official, 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.
32. New buildings shall conform to requirements set forth in the currently adopted editions of the California Building Code, California Fire Code, adopted City Standards and nationally recognized standards.
33. Buildings undergoing construction shall maintain fire safety at all times. Construction practices shall be in accordance with Chapter 14 of the California Fire Code.

Police Department

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34. Plant material under windows and around doorways, entrances and pathways should be no higher than 2 feet. Foliage on trees should be maintained a minimum of 6 feet in height to allow for natural surveillance at the pedestrian level.
35. Consider planting hostile vegetation under windows and/or areas that are off limits to the public.
36. Consider using Anti-climb vertical fencing in those areas where fencing is needed to promote natural surveillance.
37. Consider resting style benches with anti-laying arm rests incorporated into design, in those areas where outdoor benches may be utilized.
38. Utilize vertical anti-climb fencing in areas where fencing may be used.
39. Parking lot lighting shall provide adequate visibility by residents, law enforcement, and passersby during nighttime hours. Lighting should be white light full cutoff design, constructed of damage resistant material. Lighting should be positioned in a manner that does not create dark shadow areas and does not light trespass onto neighboring properties.
40. Pedestrian walkways shall have adequate pedestrian lighting illuminating the pathway.
41. Lighting shall be installed to provide adequate illumination of areas between buildings.

Public Works Department – Materials Diversion Division

42. The design of the proposed trash enclosure shall comply with the Solid Waste and Recycling Enclosure Standards as approved by City Council on October 21, 2008 (Resolution R2008 185). Plans submitted for building permit review shall show compliance with these standards.
43. This project is subject to City Ordinance O2010 18 which requires projects that exceed \$100,000 in building valuation to file a Waste Reduction and Recycling Plan (WRRP) with the building permit application (which will be forwarded by Building Division staff to the C&DD Compliance Official/Materials Diversions staff). The WRRP form is provided by the City. No building permit shall be issued for any project until the Compliance Official has approved the WRRP.
44. Within sixty (60) days of the final inspection, the applicant shall submit documentation, signed and certified under penalty of perjury, to the Compliance Official that the diversion requirement for the project per the approved WRRP has been met.

45. This project is also subject to the requirements in Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc.

Public Works - Development

46. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the preliminary plans prepared by RSA+ received November 25, 2016 as modified herein by these Conditions of Approval. All improvements shall be designed in accordance with the City's Standard Specifications and Standard Plans, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards". Plans relative to the construction of improvements within the public right of way or for publically maintained facilities, "Public Improvements", shall be processed directly through the Public Works Department. Plans for private and/or on-site improvements "Private Improvements" shall be incorporated into the Building Permit plan sets and processed through the Building Division of the Community Development Department.
47. The Applicant shall construct all of the "Public Improvements" as generally shown on the preliminary site plan and more specifically described below:
- a. Install frontage improvements including curb, gutter, planter strip, sidewalk, street lighting and pavement widening along the Riverside Drive frontage as shown on the submitted site plan.
 - (1) The four existing parking spaces perpendicular to the street at the south end of the property will not be allowed. Standard curb shall be constructed in-lieu of the driveway depression shown. Two new on-street spaces will be provided to partially mitigate the loss of the off-street parking.
 - (2) The existing overhead utilities along the project frontage shall be relocated underground.
 - b. Install storm drainage facilities as necessary to conform to the requirements of the Napa Public Works Department Standard Specifications. This would require the downstream outfall into the river to be reconstructed due to its inadequate capacity. The applicant has requested an exception from this requirement based on an analysis that shows the pre and post project stormwater runoff rates will result in no net increase or impact on the drainage. The Director is amenable to this exception request. However, with the increased localized stormwater runoff from the pavement widening along the project frontage, the 10-inch storm drain line in Riverside Drive will need to be replaced to conform to City standards.

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- c. Install certain public water infrastructure improvements sufficient to meet City water quality, operational and fire flow requirements which are more specifically described as follows:
 - (1) Install a new six-inch water main in Riverside Drive beginning at the water main in the intersection of Elm Street and Riverside Drive, proceeding south to the southern end of the property frontage (approximately 275 feet more or less).
 - (2) Install new services for all those properties affected by the installation of the new six-inch main.
 - (3) Abandon the portion of the existing two-inch water main replaced by the new water main described in Item (1) above.
 - (4) Install water main valve(s) at City-approved locations.
 - (5) Install water quality monitoring/sampling station(s) at City-approved locations.
 - (6) Abandon any unused water service(s).
 - (7) Install appropriately-sized water services with backflow devices (commercial, fire, irrigation, etc.). Plans must indicate tie-in locations, surrounding utilities, etc.
 - (8) Install a sufficient number of fire hydrants within the public right-of-way at City-approved locations.
 - (9) Relocate any affected water facilities and/or appurtenances (e.g. fire hydrants, meter boxes, sample stations, et al.).
48. The Applicant shall construct "Private Improvements" as generally shown on the preliminary site and more specifically described below:
- a. Designate applicable on-site fire hydrants as private.
 - b. Screen the above mentioned backflow devices to address the visual impacts.
 - c. Install drainage facilities to collect and convey all on-site surface drainage to an approved outfall.
 - d. Install drive aisle and parking area pavement structural sections in accordance with site-specific geotechnical engineer recommendations or City minimum standards, whichever is greater.
49. Prior to approval of the Public Improvement Plans, the Applicant shall:
- a. Submit the City's "Initial Submittal Checklist" and "Improvement Plan Checklist".
 - b. Pay the initial cash deposit of \$3500 for City plan check services.

- c. Provide the following:
- (1) Public Street Repair Plan
 - (2) Utility Plan
 - (a) Size of existing water service(s) to property and adjacent parcel(s).
 - (b) Existing water main(s) and applicable tie-in locations, details, etc.
 - (c) Size and location of all proposed water services (residential, fire, irrigation, etc.) Domestic water shall be supplied by a master meter placed in the public right-of-way with private service laterals thereafter.
 - (d) Submit all required connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559 OR Water Division at 1340 Clay Street, Napa, 94559;
 - (3) Post Construction Water Quality Measures
 - (i) The Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality. See:

http://www.cityofnapa.org/images/publicworks/Stormwater/BASMAA_PostCon_Manual.pdf

under "Documents"
 - (ii) The post-construction BMP's shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).
 - (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 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 November 12, 2015.
 - (v) The property owner shall enter into a long term maintenance agreement with the City of Napa approved both as to form and substance by the City Attorney and City Engineer for long term maintenance, financing and monitoring for the post construction

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storm water best management practices that are incorporated as part of the project and as called out in the Approved Stormwater Control Plan.

- (vi) 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.
- (vii) 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.
- (viii) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
- (ix) 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.
- (x) 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.
- (xi) 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).

- (4) Geotechnical Report
- (5) Construction Traffic Control Plan.
- (6) Erosion & Sediment Control Plan
 - (i) Applicant shall provide 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.
 - (ii) Construction Water Quality Measures –the property owner shall insure that the Developer and the contractor incorporate storm water quality Best Management Practices (BMP's) into the project construction process.
 - (iii) **Project < 1 acre of disturbance:** Provide an Erosion and Sediment Control Plan (ESCP). See ESCP template at:

http://www.cityofnapa.org/images/publicworks/BUD/escp_reviewprocjun2014.pdf .
 - (iv) The construction BMP's shall be shown on the project Erosion and Sediment Control Plan.
 - (v) 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.
 - (vi) 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.
 - (vii) 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.

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- d. Contact the City of Napa Fire Department to confirm fire suppression requirements, fire service sizes and fire hydrant locations.
- e. Contact City of Napa Water Conservation (Pat Costello 707.257.9309) to determine if project is covered under the Water Efficient Landscape Ordinance (WELo).
- f. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work and provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.
- g. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
- h. Provide acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.
- i. Furnish proof of the acquisition of all rights of entry and/or temporary and permanent easements necessary to construct the project and the location of all such rights on the Plans.

50. Prior to commencing any activities on-site, the Applicant shall:

- a. Pay off all current account balances.
- b. Pay an inspection fee in an amount to be determined at the time of construction for the City's inspection of the Public Improvements.
- c. Pay all water connection fees at the Water Division office, 1340 Clay Street, Napa.
- d. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
 - (1) (6) full-size bond copies of the approved Improvement Plans for the City's use.
 - (2) (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.
 - (3) (1) job-site copy of the approved SWCP for their use.

51. Prior to issuance of a Building Permit, the Applicant shall:

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- a. Complete the lot merger process.
 - (1) Furnish proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
- b. Construct all of Public Improvements to the satisfaction of the City Engineer. Alternatively, the Applicant may enter into an Improvement Agreement with the City to construct all of the Public Improvements prior to Occupancy of the first unit. Such an Agreement will require the Applicant to provide bonds, proof of workers compensation insurance, and general liability insurance in the forms and amounts as proof satisfactory in form to the City.
- c. 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 by separate instruments.
 - (1) Convey to the City by Irrevocable Offer of Dedication, a 6-foot public utility easement adjacent to the Riverside Drive right-of-way along the project frontage.
- d. Comply with the requirements of Napa Municipal Code Chapter 17.38 Floodplain Management. These include:
 - (1) The project site plan shall indicate the limits and Base Flood Elevation (BFE) (or Depth, as applicable) of the Floodplain as delineated in the current FEMA FIS and FIRM prepared for the County of Napa. All elevations should be based on NAD88 datum and so noted on the site plan.
 - (2) All new construction or substantial improvement shall be flood proofed to a minimum of one foot above the BFE per FEMA Technical Bulletin 7-93 and shall be noted on the plans.
 - (3) If applicable, indicate on plans water resistant materials for all construction below BFE plus one foot per FEMA Technical Bulletin 2-93.
 - (4) If applicable, indicate on plans that electrical, heating, ventilation, plumbing, air conditioning equipment (including ductwork) and other services are located a minimum of one foot above BFE or flood proofed to one foot above the BFE.
 - (5) Provide a letter prepared by a Licensed Surveyor (or Civil Engineer authorized to perform surveying by the State) verifying the correct elevation of the lowest floor relative to the FEMA identified Base Flood Elevation/Depth. All referenced elevations shall be based on NAD88

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datum and the current FEMA FIS and FIRM prepared for the County of Napa.

- e. This project is subject the requirements of Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc.
 - (1) The design of the proposed trash enclosure shall comply with the Solid Waste and Recycling Enclosure Standards as approved by City Council on October 21, 2008 (Resolution R2008 185). Plans submitted for building permit review shall show compliance with these standards.
- f. This project is subject to City Ordinance O2010 18 which requires projects that exceed \$100,000 in building valuation or 5,000 sq.ft. of new, improved, or remodeled areas to file a Waste Reduction and Recycling Plan (WRRP) with the building permit application (which will be forwarded by Building Division staff to the C&DD Compliance Official/Materials Diversions staff). No building permit shall be issued for any project until the Compliance Official has approved the WRRP. The plan shall document that recyclable materials shall be site separated for recycling in order to meet the requirement of the City's construction and demolition debris ordinance—recycling mandatory recyclables and exceeding overall 50% diversion. Official weight receipts for each load shall be obtained.
- g. Pay all current impact fees, and outstanding account balances. The fee amounts listed below are for informational purposes only as they are updated periodically. The owner shall pay all of the fees based on the rate in effect at the time of payment. These fees include, but may not be limited to the following:
 - (1) Pay Street Improvement Fees (SIF) and Utility Undergrounding (U/G) fees in accordance with City Policy Resolution 16 based on the following proposed land uses:

- (a) Pay General Street Improvement Fees per Policy Resolution 16.

Land Use	Dwelling Units (DU)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
Apartment	16	\$1,669/DU	\$1,529/DU	\$26,704	\$24,464
SF Residence (Credit)	1	\$2,465/DU	\$2,258/DU	(\$2,465)	(\$2,258)
Net Fee				\$24,239	\$22,206

52. Prior to Temporary Occupancy, the Applicant shall:

- a. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- b. Restore all adjacent off-site road surfaces to pre-project conditions.
- c. 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.
- d. 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.
- e. The Developer shall complete the Final Stormwater Inspection Sign Off form as specified in the Stormwater Control Plan. A copy of the form may be requested from the Public Works Development Engineering Division – Stormwater Program.
- f. Prior to Final SW Sign off, all disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the site.
- g. Identify all on-site post-construction stormwater quality bmp's and along the project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.
- h. Construct all public and private water improvements as shown on the approved civil plans, the City of Napa Public Works Department Standard Specifications and the special conditions contained herein.
- i. 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.
- j. 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 after obtaining a building permit specifying the requirements for the proposed project.
- k. Provide an FEMA Elevation Certificate prepared by a Licensed Surveyor (or Civil Engineer authorized to perform surveying by the State) based on finished construction.
- l. Provide record drawings outlining as-built conditions of the public and private site improvements (City requires digital files and bond copy formats). Digital files shall be compatible with the City's current version of AutoCAD and tied to the City's coordinate system.
- m. Submit any remaining plans check, inspection, meter set and/or hot-tap fees to the Public Works Department.

- n. Within sixty (60) days of the final inspection, the applicant shall submit documentation (weight tags for the project debris), signed and certified under penalty of perjury, to the Compliance Official that the diversion requirement for the project per the approved WRRP has been met. Sign-off from Materials Diversion for a certificate of occupancy shall not occur until the weight tag documentation is approved. Non-compliance with the plan and City requirements may result in a fine.

Napa Sanitation District

- 53. A plan showing the required sanitary sewer improvements conforming to NSD standards shall be submitted to the District for approval.
- 54. Discharge lines from the elevator sump pits shall not be connected to the sanitary sewer system.
- 55. Sanitary sewer facilities are required to have a minimum of 24" of cover at all points within the public right of way. The proposed sanitary sewer facilities shall be designed to meet this requirement.
- 56. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
 - a. Demolition Permit
 - b. Plan Check Fees
 - c. Inspection Fees
 - d. Capacity Charges
- 57. District records indicate the parcel proposed for development is served by a septic system. The septic system shall be demolished per County of Napa Department of Health Requirements.
- 58. Existing sanitary sewer laterals that are not reused shall be demolished and capped at the sewer main.
- 59. Napa Sanitation District adopted a Collection System Master Plan (CSMP) in December 2007. The growth projections in the CSMP are consistent with the City of Napa General Plan, the Napa County General Plan, and the General Plan Update in progress at that time. This project is being developed at an intensity greater than was specified in the City of Napa General Plan. The CSMP identified several trunk pipelines in existing collection systems that have capacity deficiencies during wet weather flow conditions directly related to inflow/infiltration (I&I). This project is upstream of pipelines that was identified by the CSMP as lacking sufficient wet weather capacity. Development of this property may increase projected sewer flows. Development of this property may create additional impacts to the downstream trunk pipeline that were not

considered in the CSMP. The District will require the project to participate in an I&I reduction project consistent with the requirements of Napa Sanitation District Board Resolution 11-025. Contact the District for additional information.

60. The District has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at the District's website (www.NapaSan.com). The District 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.

City General Conditions

61. 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.
62. Unless otherwise specifically provided, each condition of this approval shall be satisfied prior to issuance of a Building Permit, or if a Building Permit is not required, prior to the commencement of use; however, in the event the subject approval is for a tentative subdivision map or parcel map, each condition shall be satisfied prior to final map approval. Applicant's (and land owner, if different) execution of the City's improvement agreement with required security may be accepted in lieu of condition completion.
63. No use authorized by this permit may commence until after the Applicant executes any required permit agreement.
64. 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).
65. Applicant shall design and construct all improvements and facilities shown on any approved Tentative Map, site plan, or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City Ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved Tentative Map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.
66. 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

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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.

67. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.
68. 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.
69. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
70. 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.
71. 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.

Section 5. This Resolution shall take effect immediately upon its adoption.

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I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 16th day of January 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Dorothy Roberts
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney