

RESOLUTION R2019-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN REVIEW PERMIT FOR THE FIRST STREET APARTMENTS II AT 2611 AND 2617 FIRST STREET (APNs: 004-081-002 & 004-081-003) (PL 18-0111) AND DETERMINING THAT THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on November 2, 2018, Napa One LP ("Applicant") submitted an application for a design review permit pursuant to Napa Municipal Code ("NMC") Chapter 17.62 ("Design Review Permit") for the construction of a 50-unit apartment project, with an increased height of 40 feet (the "Project") at 2611 and 2617 First Street (APN: 004-081-002 and 003) ("Site"); and

WHEREAS, on April 18, 2019, the Planning Commission considered the Design Review Permit and all written and oral testimony submitted to it at a noticed public hearing on the Design Review Permit, at which time the Planning Commission heard a presentation by Staff and took public testimony, and thereafter closed the public hearing and where they subsequently continued the application to a date uncertain with direction for the Applicant to revise the Project; and

WHEREAS, on June 20, 2019, the Planning Commission considered the revised Design Review Permit and all written and oral testimony submitted to it at a noticed public hearing on the Design Review Permit, at which time the Planning Commission heard a presentation by Staff and took public testimony, and thereafter closed the public hearing and where they subsequently recommended that the City Council approve the application; and

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

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

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

2. The City Council hereby determines that the potential environmental effects of the Project were adequately analyzed by the Mitigated Negative Declaration that was adopted by the City Council on October 21, 2014 in conjunction with the approval of the First Street Apartments Design Review Permit #PL 13-0020 by Resolution R2014-170,

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pursuant to CEQA Guidelines Section 15162. The project is identical to the previously proposed application except for the added outdoor amenities. There are no changes to the circumstances under which the previous project was approved that would change the environmental determination. The new traffic study indicates that there is still no change in the level of service at the First Street/ Freeway Drive intersection despite the 84 multifamily units under construction across from the Site.

3. The City Council hereby approves the Design Review Permit, with an increased height of 40 feet and makes the following findings in support of the approval:

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

The proposed multi-family use of the Site is consistent with the Multi-Family Residential General Plan land use designation and the prescribed General Plan density. The General Plan allows for a density range of 20 to 30 units per acre. The Site would allow for the development of between 34 to 51 units on the 1.7-acre site; the proposed 50 units are consistent with this range. The proposed development is consistent with the goals and policies of the General Plan in that it provides for rental apartments which offer a more affordable housing product to the community. The Project's construction is designed to be consistent with the neighborhood through transitional standards such as increased setbacks, landscaping and fencing which have been designed to be compatible with the Project and provide a buffer to the single-family residences to the west.

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 multi-family developments that are designed to reflect the scale, rhythm and street orientation of Napa's traditional neighborhoods. The Project is consistent with the City's Residential Design Guidelines which desire orientation of homes toward streets, with direct access from streets and common space, along with parking that is unobtrusive and screened by shade trees. The Project orients the units fronting on First Street to the street and provides pedestrian access to First Street. The parking areas are primarily located at the rear of the buildings and are screened with landscaping, including trees.

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

The Project is consistent with the provisions of Title 17 (Zoning Ordinance) and the design and layout of the 50-unit residential apartment development will not have an adverse effect on the public health, safety, or welfare.

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Section 4. The City Council's approval of the Design Review Permit is subject to the following conditions:

Community Development Department – Planning Division:

1. This Design Review permit authorizes the construction of a 50-unit apartment complex on the Site, with an increased height of 40 feet, and associated driveways, parking, recreation areas and landscaping in accordance with the revised plans prepared by Mark Horton Architecture (date stamped, received May 22, 2019) submitted with the application, as approved by the City Council, and as amended by these conditions of approval. The 50 units consist of (3) three-story buildings, with one building containing 18 units, one containing 13 units and the third containing 19 units. The mix of unit types is eleven 1-bedroom units, thirty-five 2-bedroom units and four 3-bedroom units. The three buildings combined total square footage is 49,803 square feet. Access to the new development will be via a private road which connects to First Street. Parking is provided for 98 vehicles with 25 enclosed in a garage, 25 within a carport and the remaining uncovered in the parking area surrounding the apartment building. Two electric vehicle charging stations in the parking lot, photo voltaic panel system installed on the roofs of all buildings to supplement solar hot water, and a bike rack will be installed on-site. Two picnic/play areas including 2 children's sand boxes and playground equipment, 3 barbeques, and 4 picnic tables will be provided within the two open space areas that total 12,564 square feet.
2. The plans submitted for building permits shall conform substantially to the plans and representations submitted with the application (date stamped received on July 11, 2018 with revisions on May 22, 2019) and as reviewed and approved by the City Council, and as amended by these conditions of approval.
3. Colors and materials selection shall be carried out in substantial conformity with the colors and materials submitted and retained in the file or as amended by these conditions of approval. Any changes to the selection of colors and materials shall require prior approval by the Planning Manager.
4. All Project signage shall be subject to a separate review and approval.
5. Final landscape plans shall identify outdoor furniture and/or play equipment for the two open space areas.
6. 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. Temporary signs may be permitted in accordance with NMC 17.55.120.
7. 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

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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 4, 2019, attached hereto and incorporated herein as Exhibit A.

8. The final landscape plan submitted with the building permit application shall include special landscape treatment at the prominent southwest corner of First Street and Freeway Drive to mitigate for the loss of the large oak tree at that location in 2017. The type of landscaping to be installed at that location shall be acceptable to any affected utility companies.
9. The Applicant shall comply with all mitigation measures set forth in Resolution R2014-170, which is incorporated herein by reference.

Public Works Department

11. Approval of the Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Napa Municipal Code, the Public Works Department Standard Specifications and Standard Plans, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards".
12. The Applicant shall construct all on and offsite improvements in accordance with improvement plans and supporting calculations that are prepared by a registered civil engineer and reviewed and approved by the City of Napa Public Works Department (PW) Development Engineering Division. The improvement plans shall be prepared in conformance with the plans prepared by Mark Horton Architecture dated 20 December 2018 as modified herein by these Conditions of Approval. The improvement plans and supporting calculations shall include detailed designs for all utilities, water, grading, drainage, erosion control, stormwater, and paving. The plans and calculations must be approved by the City Engineer prior to the issuance of the building permit.
13. The improvement plans shall be prepared in accordance with (and submittals shall be accompanied by) the "Initial Submittal Checklist", the "Improvement Plan Checklist", and the "Subdivision Map Checklist". The checklists are available on the City of Napa Website (www.cityofnapa.org) under the Public Works Department Development Engineering Division Forms and Handouts menu.
14. The Applicant shall pay a \$5,000 initial cash deposit for city plan check services.
15. IMPROVEMENT PLANS – The following items shall be shown on the improvement plans prior to approval of the plans:
 - a. First Street:

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- (a) Construct a raised median island with a westbound left turn pocket in the existing two-way left turn lane on First Street that prohibits vehicles leaving the Project driveway from making a left turn onto First Street but allows vehicles traveling westbound on First Street to make a left turn into the Project driveway. Westbound left turn pocket shall provide a minimum of 3 vehicle queuing or 60 feet of storage subject to the approval of the City Engineer.
 - (b) Provide a ladder fire truck turning template with the raised median island and westbound left turn pocket identified above to ensure adequate fire access to the site.
 - (c) Construct a 25-foot-wide driveway with curb ramps per City of Napa Public Works Standard Drawing S-5B at the westerly side of the Site.
 - (d) All existing curb return pedestrian ramps that do not meet current ADA and City Public Works Standards shall be removed and replaced with ramps conforming to the current ADA and City Public Works Standards. At a minimum, remove and replace the existing curb ramp at the southwest corner of the First Street and Freeway Drive intersection.
 - (e) Applicant shall resurface the entire Project frontage along First Street from lip of gutter to lip of gutter. The resurface limits along First Street should be reviewed and approved by the City of Napa Public Works Development Engineering Division.
 - (f) Applicant shall modify the signal at the First Street and Freeway Drive intersection to include a right-turn overlap phase for the Freeway Drive northbound right-turn movement. This modification is subject to the review and approval of Caltrans and the City of Napa Public Works Department.
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- b. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the Public Works Department Standard Specifications. Street improvements shall include curbs, gutter, standard 4' sidewalk, 6' planter strip, street paving, street lights, street type driveway approaches, drainage facilities, and street trees. Final design and location of public frontage improvements shall be subject to the approval of the Public Works Director.
 - c. Any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City prior to improvement plan approval.
 - d. The Applicant shall provide red curb within 20 feet of the curb return at street intersection.
 - e. The existing driveway approaches, which will no longer be used to access the Site, shall be removed and replaced with standard curb, gutter, and sidewalk.
 - f. All public street pavements structural section installations shall include a minimum of 4 inches of Asphalt Concrete over 20 inches of Class 2 Aggregate

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Base material. First Street is categorized as an arterial. Refer to Table 3.1 Street Design Criteria for minimum structural sections (Revised 8/23/2018).

- g. Public street access points and street corners shall be designed to satisfy the City of Napa Visibility and Fencing Standard (Std. Detail 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.
- h. The Applicant shall provide an accessible route of travel from the fronting sidewalk to the buildings. The Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits, and access to normal paths of travel, and where necessary to provide access, shall incorporate pedestrian ramps, curb ramps, etc. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities and the accessible entrance to the site per UBC 1127B. All proposed accessible routes of travel shall be identified on the improvement plans.
- i. The improvement plans shall include an Erosion Control Plan.
- j. The improvement plans shall include a Joint Trench Plan.
- k. The improvement plans shall include a Construction Traffic Control Plan.
- l. All the existing utilities including overhead and underground utilities.
- m. The improvement plans shall include a Public Street Repair Plan (showing the repair details and limits of repair) for all improvement installations that will result in the cutting, demolition, destruction, etc. of any existing improvements within the public right of way including but not limited to the installation of curb, gutter, sidewalk, utilities (water, sewer, storm drain, electrical, cable TV, telephone, etc.). This plan shall be updated during the construction process as necessary to reflect any unanticipated street repairs. Associated with said plan are the following requirements:
 - (1) The Applicant shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of either a 2-inch asphalt concrete overlay, or geotextile material with a minimum 2-inch asphalt concrete overlay, depending upon the extent of the proposed pavement cuts and the condition of the existing pavement section, as determined by the City Engineer. The Applicant shall also provide digouts and reconstruction of any potholed and/or alligatored areas. Installation of street paving by the Applicant shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of

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such reconstruction shall be reviewed by the Public Works Department Development Engineering Division and approved by the City Engineer as part of the construction plan review.

- (2) The Applicant shall repair all pavement, curb, gutter and sidewalk that are damaged by the construction process in accordance with The Public Works Department Standard Specifications and Standard Plans.
 - (3) 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.
- n. For trenching within existing roadway areas, the Applicant's engineer shall pothole or otherwise physically determine the actual horizontal location and vertical depth of all underground utility systems throughout the proposed area of work and at all utility connection points. The Applicant shall provide 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.
- o. The Applicant shall underground all new utilities to serve the Project from the existing point of connection to the Project. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the Project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The Applicant shall relocate or underground any overhead utilities that conflict with the new improvements.
16. ON-SITE ACCESS AND CIRCULATION - The following items related to on-site access and circulation shall be shown on the improvement plans prior to approval of the plans:
- a. Curb, gutter, 5.5' sidewalk adjacent to curb, street paving, driveway approaches modified to meet ADA standards, and drainage facilities shall be installed on the Project's private street frontage.
 - b. All curb frontage intended for no parking shall be painted red and posted with signs (R26F - No Stopping Fire Lane).
 - c. The Applicant shall pave all required onsite parking areas and drive aisles thereto in conformance with the minimum City of Napa standard structural section standard (equivalent to a minimum 3 inches of Asphalt Concrete over 10 inches of Class II aggregate Base material) and the Project's geotechnical reports recommendations, whichever is larger. The proposed driveway minimum width shall be 25 feet.
 - d. The private street/driveway shall be clearly distinguishable from the public street. To accomplish this, a 10-foot-wide stamped concrete strip shall be

installed on the Site (behind the sidewalk) along the right of way line at the Project's First Street entrance.

- e. In accordance with the Public Works Department Standard Specifications and Standard Plans and the Napa Municipal Code, Site circulation shall be designed to allow vehicles to exit the Site in a forward motion. A minimum 25-foot backup turn-around area shall be provided for all required parking spaces, including tandem spaces.
- f. Per City of Napa Public Works Standard Specification 3.02.02 bullet 8, no on-site parking space shall be allowed within the initial 20-feet of the driveway, where it connects to the public street measured from the back of sidewalk of the fronting street or from the ultimate right-of-way line in areas without sidewalks.
- g. The Applicant shall incorporate the 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.

17. DRAINAGE AND GRADING - The following items related to grading and drainage shall be shown on the improvement plans prior to approval of the plans:

- a. All existing storm drains, drainage inlets, storm drain manholes, etc. shall be shown in the plans along with all the relevant information describing each item such as inverts, sizes, slopes, etc.
- b. If applicable the Applicant shall replace any existing non-standard drainage inlets, such as Type S-110, with a City Standard drainage inlet, such as Type D-2 located along the Site's frontage.
- c. Lot grading and drainage system improvements shall be installed by the Applicant as part of the improvements. Constructed lot pad elevations shall not deviate more than 0.5 feet from the pad elevations shown on the improvement plans.
- d. The grading plans provided by the Applicant for review shall include the existing topography shown with contour line labeled at one-foot intervals and extending a minimum of 100-feet beyond the limits of the site, or a sufficient distance to indicate impacts on adjacent properties.
- e. Detention improvements shall be incorporated into the Project storm drain system design as necessary to maintain post development 10-year, 25-year and 100-year runoff from the site at pre-development levels. The Applicant shall provide storm drain inlets with enough capacity to ensure 100-year storm water flow enters the detention system. Supporting calculations shall be submitted for review and approval.

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- f. The grading and drainage plan shall include a design that allows for a 100-year overland release with all finish floor and garage slab elevations a minimum of one foot above the 100-year overland release elevation.
- g. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.
- h. Any retaining walls which are greater than one foot in height, which are adjacent to a property line, shall be masonry or concrete. Wood retaining walls shall not be installed adjacent to property lines.
- i. It is the City's policy to require all new parcels to be graded to drain independently from adjoining parcels. If surface drainage is currently passing from adjoining properties onto the Site, the grading plan for the Project shall be designed to continue to accept such drainage and easements shall be established to allow such drainage patterns to continue. All surface drainage must be collected and conveyed to a public street, storm drain or approved outfall.
- j. The Applicant shall provide an Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Public Works Department Development Engineering Division for review and approval with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.
- k. 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.
 - (1) Project > 1 acre of disturbance: Provide an Erosion and Sediment Control Plan (ESCP) and/or a State Stormwater Pollution Prevention Plan (project disturbance >1 acre), as required per the States Construction General Permit. A copy of the Stormwater Pollution Prevention Plans (SWPPP) along with waste discharge identification number (WDID) will need to be provided to the Public Works – Stormwater Program prior to grading permits.
http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml
PLEASE NOTE: Item above does not require a separate Erosion and Sediment Control Plan (ESCP). The ESCP is a part or element of these plans; however, the SWPPP must address all elements of the required ESCP. See ESCP template at: <http://www.cityofnapa.org/574/Stormwater-Quality>
 - (2) The construction BMPs shall be shown on the Project Erosion and Sediment Control Plan (ESCP).

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- (3) 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
 - (4) 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.
 - (5) 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.
- I. POST CONSTRUCTION WATER QUALITY MEASURES - In accordance with the City of Napa, "BASMAA Post-Construction Manual prepared by the Bay Area Stormwater Management Agencies Associated (BASMAA) Phase II Committee, dated July 14, 2014" the Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMPS)) into the project design to mitigate project impacts to water quality. <http://www.cityofnapa.org/574/Stormwater-Quality> Under "Documents"
- (1) The post-construction BMPs shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).
 - (2) All designated projects – The Applicant shall prepare and submit a SCP per "BASMAA Post-Construction Manual, dated July 14, 2014," standards and an Erosion and Sediment Control Plan.
 - (3) 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.
 - (4) The post construction BMP measures shall be installed by the Applicant and designed and sized by a registered civil engineer in accordance with the City's adopted BASMAA Post-Construction Manual and an accepted design method such as that which is outlined in the "California Storm Water Quality Association BMP (CASQA-BMP) Handbook". The design and calculations are to be reviewed and approved by the Development Engineering Division.
 - (5) The Project post-construction BMPs shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control Standards, BASMAA Post-Construction Manual and accepted design review Stormwater Control Plan prepared by Triad/Holmes Associates dated 12/17/2018.
- m. The Applicant shall submit storm drain system design calculations that are prepared by a registered civil engineer for review and approval by the Development Engineering Division. Storm drain system design flows shall be

calculated based on the requirements listed in the City of Napa Public Works Department Standard Specifications and Standard Plans. The calculations shall include a drainage basin map showing basin limits and area in acres, hydrology, and system hydraulic calculations, pipe size calculations, inlet capacity calculations, stormwater quality treatment and other information necessary to support the proposed design. Storm drains will be sized to carry the flows generated by the design storm per City of Napa Standards. The storm drain system design calculations shall show that the pipes have a self-cleaning minimum velocity of three feet (3') per second when flowing half full.

- n. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
- o. Low Impact Development (LID), Bio-retention areas, underground treatment systems, and all other treatment-based BMP systems are to be sized in accordance with calculations that conform to the City's BASMAA Post-Construction Manual dated July 14, 2014 and the State MS4 General Permit E.12 provisions and are to be reviewed and approved by the Development Engineering Division.
- p. 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 storm water best management practices that are incorporated as part of the project and as called out in the Approved Stormwater Control Plan.
 - (1) The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
 - (2) The agreement shall be recorded prior to approval of the Improvement Plans. The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Napa shall either be a signatory to the agreement or a third-party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney's fees for legal counsel to enforce such obligations.
 - (3) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
 - (4) Appropriate easements or other arrangements satisfactory to the City Engineer and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.

- (5) All development projects must be planned, designed and constructed consistent with the post construction standards in the city's NPDES permit and in accordance with the post construction storm water management requirements established by the city, including but not limited to, the current version of the Bay Area Stormwater Management Agencies Association Post-Construction Manual or an updated version of that manual or other post-construction storm water management standards as adopted by Council resolution..
 - (6) The owner of the real property shall provide a written document, deed, agreement or similar writing acceptable to the Director, obligating the Project proponent, their successors in control of the Project and successors in fee title to the underlying real property (or premises), to assume responsibility for the operation and maintenance of all installed treatment systems and hydromodification controls, if any, for the Project.
 - (7) The owner or operator of any installed treatment system or hydromodification control shall provide the Director with information and physical access necessary to assess compliance with this chapter, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council. (O2014-15, 11/18/14)
18. NOTES - The following notes shall be shown on the improvement plans prior to approval of the plans. The Applicant and the construction contractor shall satisfy the requirements stated in the following notes. The Applicant's engineer shall include the following notes on the improvement plans prior to approval of the plans by the Public Works Department Development Engineering Division:
- a. No grading and/or excavation shall be performed except in accordance with the approved erosion control plan and schedule. The contractor shall have all erosion control measures on site during the course of the work and installed in accordance with the approved erosion control plan schedule.
 - b. During the course of the Project construction (including non-working hours), the contractor is to provide appropriate signage, flashers, and barricades for open trenches that are approved by the Public Works Department Construction Division Inspector to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.
 - c. Any existing pedestrian access through and/or adjacent to the Site shall remain unobstructed during the Project construction or an alternate route shall be established as approved by the Police Chief and City Engineer.
 - d. During the course of the Project construction, all Project-related grading, trenching, backfilling, and compaction operations shall be conducted in

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accordance with the City of Napa Public Works Department Standard Specifications.

- e. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).
- f. Grading and construction equipment shall be shut down when not in use.
- g. For all construction activity, the contractor shall control dust in accordance with the requirements of the City of Napa Public Works Department Standard Specifications and Standard Plans (Part II – General Provisions – Dust Control); the National Pollution Discharge Elimination System requirements; and the California Department of Transportation Construction Manual (Chapter 4 – Construction Details – Section 10 Dust Control). Use of any City of Napa water for this purpose shall be from a metered source that is approved by the City of Napa Water Division and shall be requested in writing by the Contractor.
- h. During the construction/demolition/renovation period of the Project, the contractor shall use the franchised garbage hauler for the service area in which the Project is located to remove all wastes generated during Project development, unless contractor transports Project waste. If the contractor transports the Project's waste, the contractor must use the appropriate landfill for the service area in which the Project is located.
- i. The contractor shall provide for the source separation of wood waste for recycling. The contractor shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the contractor transports such wood waste to a location where wood waste is recycled.

19. WATER FACILITIES - The following items related to water facilities shall be shown on the improvement plans or completed prior to approval of the plans. The Water Division shall review and approve these items:

- a. The size of all the existing water service(s) to the Site and adjacent parcel(s).
- b. The existing water main(s) and applicable tie-in locations, details, etc.
- c. The abandonment of any existing unused water service(s).
- d. The size and location of all proposed water services (residential, fire, irrigation, etc.) and tie-in locations, details, surrounding utilities, etc. Domestic water shall be supplied by a master meter placed in the public right-of-way with private service laterals thereafter.
- e. The size and location of appropriately-sized water services with backflow devices, with tie-in locations, surrounding utilities, etc.

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- f. All existing service laterals to the Site shall be used prior to the installation of new services from the City water main.
 - g. Any unused service shall be abandoned at the City water main.
 - h. Installation of a sufficient number of water main valves at City-approved locations.
 - i. Approved backflow prevention devices shall be installed on all new and existing domestic, irrigation, and fire water services.
 - j. Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations.
 - k. Relocation of any affected water facilities and/or appurtenances (e.g. public water appurtenances, private fire hydrants, backflow devices, meters, etc.).
 - l. Water services may not be shared across property boundaries per Section 13.04.230 of the Municipal Code. Each parcel shall be served by a separate water meter with approved backflow devices.
 - m. Installation of a sufficient number of water quality monitoring/sampling stations at City-approved locations.
 - n. Designate applicable on-site fire hydrants as private.
 - o. If existing services (including public hydrants) conflict with the proposed Project design, the conflicting services shall be abandoned at the main. If a public hydrant is removed due to a conflict with the Project plans, a new hydrant shall be installed at a location approved by both the City of Napa Water Division and Fire Prevention Division. Extending existing hydrant laterals to avoid conflicts shall not be permitted.
 - p. Contact the City of Napa Fire Department to determine fire sprinkler requirements.
20. MISCELLANEOUS - The following items shall be shown on the improvement plans prior to approval of the improvement plans:
- a. The Applicant shall connect the Project to the Napa Sanitation District for sanitary sewer service. Sewer services shall be shown on the improvement plans and shall be installed in accordance with Napa Sanitation District standards and reviewed and approved by the Napa Sanitation District.
 - b. This Project is subject to the requirements in Napa Municipal Code Chapter 5.60 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc.
 - c. The trash/recycling/composting enclosure located closest to First Street shall be relocated to the two parking spaces directly opposite it and bordering the east property line.

- d. This Project is subject to City Ordinance O2010 18 which requires projects that;
 - a) exceed \$100,000 in building valuation; or (b) exceed 5,000 sq. ft. of new, improved, or remodeled areas; to file a Waste Reduction and Recycling Plan (WRRP) with the building permit application. No building permit shall be issued for any project until the Compliance Official has approved the WRRP. The plan shall document that recyclable materials shall be 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. 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.
 - e. The apartment complex shall be required to comply with the State Mandated (AB 1826) Organics Recycling program with participation in the City of Napa greenwaste program which requires source separation of greenwaste from solid waste and recycling in multifamily dwellings of 5 units or more beginning April 1, 2016. The complex shall source separate green waste from other waste and subscribe to a service that includes collection and recycling of green waste.
 - f. Install all new underground utilities required to serve the Project underground.
 - g. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the Project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The Applicant shall relocate and underground any overhead utilities that conflict with the new improvements.
21. PRIOR TO APPROVAL OF IMPROVEMENT PLANS - The Applicant shall submit documentation to the Public Works Development Engineering Division for review and approval that indicates that the following items have been addressed:
- a. The Applicant shall submit all required water connection fees to the Public Works Department Development Engineering Division at 1600 First Street, Napa CA. 94559. No inspections or water service from the Water Division will be initiated until all connection fees for the Project have been paid.
 - b. The Applicant shall pay off all current account balances based on the rate in effect at the time of the permit issuance.

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- c. The Applicant shall pay an inspection fee for public improvements.
 - d. Any work performed on neighboring properties shall be done in accordance with temporary construction easements from the impacted neighbor(s). The easements shall be obtained with copies submitted to the Public Works Development Engineering Division for review prior to the approval of the improvement plans.
 - e. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the Project or to satisfy required Project mitigation measures and/or conditions prior to occupancy.
 - f. The Applicant shall submit to the Public Works Department Development Engineering Division a Soils Investigation/Geotechnical Report in accordance with NMC Section 16.36.200 with the first improvement plan submittal. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to improvement plan approval. The geotechnical engineer shall also assume responsibility for inspection of the work and prior to acceptance of the work shall certify to the City that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of building plans in accordance with NMC Title 15.
 - g. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
22. PRIOR TO COMMENCING ANY ACTIVITIES ON-SITE – Prior to commencing any ground disturbing activities on-site, the Applicant shall:
- a. Submit a copy of the Notice of Intent (NOI) for coverage under the State Water Resources Control Board's General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).
 - b. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
 - (1) Six full-size bond copies of the approved Improvement Plans for the City's use.
 - (2) One job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.
 - (3) One job-site copy of the approved SWPPP for their use.

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

- a. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the Project or to satisfy required Project mitigation measures and/or conditions prior to issuance of a building permit.
- b. Complete a lot merger of the two lots that comprise the Site (APN: 004-081-002 and 003).
(1) Furnish proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
- c. Submit any remaining water connection fees to the City of Napa Public Works Department Water Division at 1340 Clay Street, Napa, 94559.
- d. STREET IMPROVEMENT FEE - In accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein the Applicant shall pay the Street Improvement Fee prior to issuance of any building permit for the Project. The fee is required to mitigate the cumulative impact of the traffic generated by the Project on the City's arterial and collector street system. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of Project demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this Project.
- e. Per the Master Fee Schedule effective July 2, 2018 (Policy Resolution 16), the current rate for the Street Improvement Fee for the Project is as follows:

	Land Use	Unit (DU)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Apartment	50	\$1,669/DU	\$1,529/DU	\$83,450	\$76,450
Existing Use (credit)	Single Family Detached	1	\$2,465/DU	\$2,258/DU	(\$2,465)	(\$2,258)
					\$80,985	\$74,192

- f. The above fee amounts are provided based on the current rates. City fee amounts are updated periodically. The Applicant shall pay the fees based on the rate in effect at the time of payment.

24. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OF THE FIRST UNIT - Prior to issuance of a certificate of occupancy for the first unit the Applicant shall submit documentation to the Building Division for review and approval that

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indicates that the following items have been completed as reviewed and approved by the Public Works Department Development Engineering Division:

- a. Construct all water improvements as shown on the approved improvement plans, the City of Napa Public Works Department Standard Specifications and the special conditions listed above.
- b. Submit certification that all backflow devices have been installed and tested by an AWWA certified tester (a list of testers is provided by the City of Napa) to the City of Napa Water Division. The test results shall be submitted by the Applicant to the City of Napa Public Works Department Water Division.
- c. Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats.
- d. The Applicant shall complete the water demand mitigation requirements of the Project as specified by the City of Napa Water Division. The Applicant will be contacted by the City of Napa Water Division after obtaining a building permit specifying the requirements for the Project.
- e. Submit any remaining meter set and/or hot-tap fees to the Public Works Department Water Division at 1340 Clay Street, Napa, 94559.
- f. The improvements identified on the Public Street Repair Plan shall be completed.
- g. All road surfaces shall be restored to pre-Project conditions after completion of any Project-related pipeline installation activities.
- h. The Applicant shall replace any damaged curb and gutter along street frontages in accordance with Public Works Department Standard Specifications prior to occupancy.
- i. All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer prior to occupancy.
- j. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- k. 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.
- l. 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.

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- (1) 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.
 - (2) 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.
 - (3) 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.
- m. Installation of street paving by the Applicant shall be completed and shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the Public Works Development Engineering Division and approved by the City Engineer as part of the construction plan review. Any necessary pavement conforms shall be installed prior to occupancy.
- 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.
- o. The Applicant shall submit to the Public Works Department Development Engineering Division all improvement plans in digital auto-cad format, compatible with the City's current version, and tied to the City's coordinate system for all storm drain facilities, water lines, lot lines, sanitary sewer lines, sidewalks and streets. Auto-cad files shall be updated for as-built information and submitted to and approved as complete by the Public Works Department Development Engineering Division prior to occupancy.

Fire Prevention Division:

25. In accordance with the standard mitigation measures and conditions of approval set forth by the City of Napa, the Applicant shall pay the Fire Impact Fees (see current Standard Fees and Charges adopted by resolution), prior to the issuance of any building permits.
26. New buildings and additions to existing buildings shall conform to requirements set forth in NMC Chapter 15.04, City of Napa standards and Nationally Recognized Standards.

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27. There shall be no deferred submittals for fire protection equipment and related utilities. Fire protection plans shall not be attached to or bound with the building plan submittal package. This includes but is not limited to Automatic Fire Sprinkler, Fire Alarm, Fixed Fire Protection and Civil plans.
28. All Fire related underground piping and fire appurtenances shall be shown on the Civil plan submittal. In addition to the Civil plan submittal, (3) plan sets under separate cover shall be submitted detailing all underground piping and related fire appurtenances including but not limited to underground piping, underground sweep detail, underground trench details showing depth of burial, type of backfill, manufacturer's specifications of piping, valves joints, fittings and calculated size and locations of thrust blocks, hydrants locations (designate public or private), gate shut-off valves, PIV's, FDC's, fire pumps, fire pump and/or riser rooms.
29. Underground utility contractor, architect and fire sprinkler contractor shall coordinate the location of risers and control valves prior to the issuance of a building permit.
30. Fire Department plan review shall be based on the information submitted at the time of permit application. Any changes to the approved/permitted scope of work including additions, alterations, demolition, repair or a change in occupancy/use may impact the Project requirements, including but not limited to the installation of additional fire protection systems or components.
31. An approved water supply capable of supplying the required fire flow for fire protection systems shall be provided to Project. Required fire flow and hydrant distribution shall be in accordance with Appendix B and C of the California Fire Code.
32. Fire Protection systems shall be installed in accordance with provisions set forth in NMC Chapter 15.04 and the applicable National Fire Protection Association Standard.
33. The fire protection equipment shall be located within an interior room having an approved exterior access door or in an exterior enclosure attached to the building, specifically, for the purpose of housing such equipment. Residential fire protection equipment (risers) shall be located within an interior wall (typically in the garage) having an interior access door attached to the building, specifically for the purpose of housing such equipment.
34. Prior to building permit issuance, the Applicant shall provide a fire department circulation plan using the City's ladder truck and demonstrate clear turning movements into and out of the Project. The final design of fire department access components shall be reviewed and approved by the Fire Marshal prior to installation.

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35. Fire Apparatus Access Roads shall be designed in accordance with provisions set forth in NMC Chapter 15.04 and the applicable Public Works Standard.
36. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet (curb to curb) and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 71,000 pounds.
37. Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction. Fire apparatus access shall be provided to within 150 feet of the most remote portions of all building from an approved exterior route. If this cannot be achieved fire apparatus turn arounds will be needed.
38. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Vertical traffic calming in the form of speed bumps, humps or dips are prohibited along fire access roads without prior approval of the fire Code Official. The minimum width and clearances established in Section 503.2.1 shall be maintained at all times.
39. When required by the Fire Chief, fire apparatus access roads shall be designated as Fire Lanes and appropriate signs and/or markings installed in accordance with the California Vehicle Code and approved City standards.
40. Where applicable, improvement plan submittals for permit shall include locations of fire lane red curbing and fire lane signage. Please refer to and include City Public Works Standard FP-2A & 2B with plan submittals for permitting.
41. When fire sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of not less than that required for an Extra Hazard Group II use with a minimum design area of 2,500 square feet.
42. A fire hydrant shall be in service within 250 feet of the furthest point of construction prior to the stockpiling of combustible materials for the beginning of construction.
43. Fire Department Connections (FDC) shall be located not more than 100 ft. from the nearest fire hydrant.
44. Improvement Plans submitted for permit shall include City of Napa Fire Department "Underground" standards, detail drawings and the applicable City of Napa Public Works Standard detail (W-7A, B, C or D) for Fire Service double detector check installations.

Building Division

45. The following materials shall be provided at the time of building permit application (Note: This may not be a complete list):
- a. A completed Building Permit application.
 - b. Seven complete sets of plans for construction for review and approval.
 - c. Energy Compliance documentation for review and approval.
 - d. Waste Reduction and Recycling Program form for review and approval, if applicable.
 - e. A geotechnical soils investigation report shall be required for this project.
 - f. Fire sprinklers are required for this Project. Note: When fire sprinklers and/or fire alarm systems are required, plans shall be submitted under separate cover.
46. Written verification of the following shall be required prior to building permit issuance if applicable:
- a. City of Napa Water Connection fee, (707) 257-9521.
 - b. Napa Sanitation District approval, (707) 258-6000.
 - c. Napa Valley Unified School District (must show proof of payment from NVUSD), (707) 253-3549.
 - d. Public Works Encroachment and/or Grading permit, (707) 257-9520.
 - e. Napa County Environmental Health Department approval, (707) 253-6052.
 - f. Bay Area Air Quality Management District "Job" number for projects that require demolition of existing buildings on site, (707) 749-4762.

City General Conditions:

47. 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

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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.

48. 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).
49. 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.
50. 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.
51. 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.
52. 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.
53. 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

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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.

54. Applicant must comply with all conditions of approval set forth in this Resolution. Violation of any term, condition, mitigation measure or Project description relating to this Resolution is unlawful, prohibited and a violation of the NMC and is grounds for revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
55. 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.
56. 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.
56. Approval of this Design Review Permit will become effective on the day following Council's approval of this Resolution. The Design Review Permit is subject to the expiration provisions of NMC Section 17.68.170 and may be extended in accordance with the requirements of NMC Section 17.68.130.

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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 6th day of August, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney