

RESOLUTION 2020-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT AND DESIGN REVIEW PERMIT FOR A 32-ROOM EXPANSION OF THE WESTIN HOTEL ON THE VACANT PARCEL LOCATED AT 1274 MCKINSTRY STREET ADJACENT TO THE EXISTING WESTIN HOTEL AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, on September 13, 2017, VY Riverfront LLC (“Applicant”), submitted an application (PL17-0134) for a use permit pursuant to Napa Municipal Code (“NMC”) Chapter 17.60 (“Use Permit”) to authorize a hotel and a design review permit pursuant to NMC Chapter 17.62 (“Design Review Permit”) to construct a detached 47,768 square foot, three (3) story, 32 room hotel expansion on the vacant parcel immediately south of the existing Westin Hotel at 1274 Mckinstry Street (the “Site”), APN: 044-250-035 (the “Project”); and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on January 16, 2020 and has recommended approval of the subject application; and

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

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

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

Section 2. The City Council hereby determines , based on the CEQA Guidelines Section 15183 Environmental Checklist for the Project dated November 15, 2019 and the Certified Downtown Napa Specific Plan (DNSP Final Environmental Impact Report; State Clearing House No. 2010042043), that the Project would not have any project-specific significant effects which are peculiar to the project or its site, and therefore the Project is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183. The City Council also determines that the potential environmental effects of the actions authorized by this Resolution fall within the scope of the DNSP EIR as documented in the Environmental Checklist, pursuant to CEQA Guidelines Section 15168.

ATTACHMENT 1

Section 3. The City Council hereby approves the Use Permit and makes the following findings in support of the approval:

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

The Project would align with the goals of the OBC land use designation and zoning as well as the goals and standards of the Downtown Specific Plan. In particular, the hotel addition makes efficient use of the vacant, underutilized lot adjacent to the existing Westin Hotel. It proposes additional lodging facilities to an existing hotel at a conveniently accessed site from a major arterial (Soscot Avenue) and would be consistent with LU- 5. It would also be consistent with policy LU-6, in that the use of an infill site located in an area with easy access to a major arterial and highway, ensures traffic is confined to appropriate arterial streets and would limit any impacts to less intensive land uses like residential or office.

The Project would further be consistent with the DTSP in that the proposed design would feature four-sided architecture thereby providing visual interest and interaction with the surroundings on all elevations and from various viewpoints. The building would feature a scale and massing similar to that seen on the existing Westin Hotel, it would feature a variety of design mechanisms to reduce the perceived mass such as stepped upper floor, varied roof forms, gabled and flat roofed dormers, balconies and a variety of building materials to add layers and articulation to encourage the building to appear human scaled and responsive to the passer by. The design would meet the Guidelines of the DTSP and would meet the development Standards prescribed by the Downtown II” Building Form Overlay. Accordingly, the Project is found to further the objectives and policies of the General Plan and would not inhibit attainment of any goals or objectives outlined in the General Plan or Downtown Specific Plan.

The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City.

The Project application has been circulated to relevant departments and agencies and their comments and special conditions have been incorporated to ensure the Project will not pose a nuisance to the community. The Project will not cause any health, safety, and/or general welfare hardship to the community. As conditioned the expansion of the Westin Hotel facility will not cause negative impacts to the neighborhood nor result in impacts that would be detrimental to the public health, safety, or welfare. Hospitality and visitor accommodation uses already function proximate to the Site and the Project is a minor expansion to an existing, well established facility.

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

ATTACHMENT 1

Hotels may be established by a Use Permit in the OBC Zoning District. The proposed Westin Hotel expansion has been reviewed for compliance with the DTSP “Downtown II” development standards and has been found to be compliant with these standards. With City Council approval of a Use Permit as conditioned, the proposed use will be in compliance with the provisions of NMC Chapters 17.10 and 17.60 and NMC Section 17.52.095.

Section 4. The City Council hereby approves the Design Review Permit 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 design policies.

The proposed Westin Hotel Expansion, associated improvements, and tourist-oriented use of the Site are consistent with the OBC General Plan designation and the prescribed General Plan Floor Area Ratio (FAR). The General Plan allows for a maximum FAR of 4.0 and this Project, including the existing hotel, provides a density of 1.94 which is below the General Plan maximum FAR. Likewise, the Project meets the Downtown Specific Plan Design Guidelines in that it employs four-sided architecture, makes a reasonable effort to minimize the perceived mass and scale, and employs generous landscaping and sustainability measures. Accordingly, the Project aligns with the design policies set forth in the General Plan and Downtown Specific Plan.

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

The Project is subject to the Downtown Specific Plan Design Guidelines. The proposed hotel addition’s design, site layout and architecture are consistent with the goals, policies and recommendations outlined in the Design Guidelines. The Project design employs four-sided architecture, makes a reasonable effort to minimize the perceived mass and scale, and employs generous landscaping and sustainability measures. The design will exhibit a contemporary interpretation of the craftsmen influence featured on the existing Westin Hotel. The new building would share the gabled shingle roofs and painted tongue and groove siding with the existing building, but would depart slightly to include oversized windows, stone veneer base, and painted metal columns to differentiate it and encourage variety in the architecture. To reduce perceived scale and massing, the design employs a stepped back fourth floor, will utilize a combination of roof forms, and dormers, include setback terraces, balconies and articulation to break up the mass of the building and provide visual interest while still providing a cohesive, unified design. All design elements meet the DTSP Design Guidelines.

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 Design Review permit is consistent with NMC Title 17 (Zoning Ordinance), and the development standards of the DTSP “Downtown II” District. As conditioned, the proposed

ATTACHMENT 1

Project would not result in any significant impacts. The hotel expansion and its tourist-oriented uses have been appropriately conditioned to minimize any potential impacts to the surrounding neighborhood and therefore would not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

Section 5. The City Council's approval of the Use Permit and Design Review Permit are subject to the following conditions:

Community Development Department – Planning Division

1. This Use Permit and Design Review Permit authorizes the construction and operation of a hotel addition to the Westin Verasa Hotel. The plans submitted for building permits shall conform substantially to the plans and representations submitted with the application (date stamped October 28, 2019) and as reviewed and approved by the City Council, and as amended by these conditions of approval. The plans indicate a detached 45,265 square foot, four (4) story, 32 room hotel expansion on the vacant parcel immediately south of the existing Westin Hotel. Supporting the hotel use would be a restaurant and bar, a spa, and an outdoor spa terrace. Parking would be provided in a subterranean garage with 30 net new valet parking spaces and underground connectivity to the neighboring subterranean garage (total of 263 shared spaces).

2. All hotel employees shall park on-site when on duty and shall not park along McKinstry Street or within the adjacent neighborhood or parking lots devoted to neighboring uses.

3. Only events which can be accommodated by the 263 on-site parking spaces and the parking available to the Hotel pursuant to the Shared Parking Agreement with Umpqua Bank are permitted on the Site. If an event is scheduled during a period of maximum hotel occupancy which might result in exceeding the on-site parking capacity (263 spaces), the Hotel shall use the shared parking available under the Shared Parking Agreement.

4. All project conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of Building Permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

5. The Planning Manager is authorized to determine whether the Project is in compliance with the requirements of the Design Review Permit and Use Permit.

6. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.

ATTACHMENT 1

7. The plans submitted for Building Permit 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.

8. A detailed landscaping and irrigation plan shall be reviewed and approved by the Community Development Director prior to issuance of Building Permit. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.

9. All proposed and required fencing shall be installed in compliance with the approved landscape and fencing plan prior to the issuance of a Certificate of Occupancy.

10. The Lot Line Adjustment as delineated on Sheet UP1.1 of the Project plans prepared by RSA+, dated October 25, 2019 shall be recorded prior to issuance of a building permit.

11. Prior to issuance of a Building Permit, the Applicant shall pay all applicable fees at the rates in effect at the time of payment for the Project involved, including but not limited to:

- a. Affordable Housing Impact Fee; and
- b. Public Art Contribution (or compliance with the public art installation requirement pursuant to NMC Chapter 15.108).

12. In the event that the Applicant submits an application to install public art on the Site after paying the full amount of the public art contribution as required by NMC Chapter 15.108, the Applicant may seek reimbursement of the contribution provided that the application for public art is approved prior to the issuance of a Building Permit and the art is installed on the Site prior to issuance of the Certificate of Occupancy.

13. Building Permit issuance shall be subject to all other department and/or agency requirements and standards, including, but not limited to: the Building Division, Public Works Department, Development Engineering Division, Fire Prevention Division, Water Division, Napa Sanitation District, the Napa Housing Authority, the Napa Valley Unified School District, Napa Community Resources, and Napa County Environmental Management.

14. All windows and glass proposed for the exterior of the building shall be non-reflective glass.

15. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends or legal holidays, unless a permit is first

ATTACHMENT 1

secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start-up of machines or equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials or equipment prior to 7:30 a.m. or equipment past 6:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.

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

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

18. Construction activities shall not occur during windy periods.

19. Exposed soil surfaces shall be periodically sprinkled to retard dust; no City water shall be used for this purpose.

20. In the event that previously unidentified paleontological, archaeological or historical resources are uncovered during Site preparation, excavation or other construction activity, all such activity within 100 feet of the discovery shall cease until the resources have been evaluated by a qualified professional, and specific measures can be implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code.

21. In the event that human remains are uncovered during Site preparation, excavation or other construction activity, all such activity within 100 feet of the discovery shall cease until the remains have been evaluated by the County Coroner, and appropriate action taken in coordination with the Native American Heritage Commission, in accordance with section 7050.5 of the California Health and Safety Code or, if the remains are Native American, section 5097.98 of the California Public Resources Code.

22. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.

23. All signage for the Project shall be subject to a separate review and approval. 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 with approval by the Planning Division.

24. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District and Napa County Environmental Health confirming that the Applicant has complied with all Napa Sanitation

ATTACHMENT 1

District and Napa County Environmental Health requirements applicable to the Project. The Napa Sanitation District has described the applicable requirements in a letter to the Planning Division dated November 21, 2019, attached hereto and incorporated herein as "Exhibit A". The Napa County Environmental Health has described the applicable requirements in a letter to the Planning Division dated February 7, 2018, attached hereto and incorporated herein as "Exhibit B".

PUBLIC WORKS DEPARTMENT:

25. Approval of this 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".

26. 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 Use Permit Drawings prepared by RSA+ dated 10/25/2019 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.

27. The improvement plans shall be prepared in accordance with (and submittals shall be accompanied by) the "Initial Submittal Checklist" and the "Improvement Plan 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.

28. The Applicant shall pay a \$5,000 initial cash deposit for city plan check services.

29. IMPROVEMENT PLANS – The following items shall be shown on the improvement plans prior to approval of the plans:

- a. 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 on the Project's public street frontage. Street improvements shall include curbs, gutter, standard sidewalk, 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.
- b. The Applicant shall replace all public street frontage improvements along the entire McKinstry Street Project frontage including curbs, curb and gutter, sidewalk, landscape strip, street trees, street lights, etc. No partial replacement of public

ATTACHMENT 1

street frontage improvements (sidewalk, curb and gutter, etc.) shall be allowed as shown on the plans.

- c. The Applicant shall install new street trees as required by City of Napa Standard Specifications and Standard Plans along the McKinstry Street Project frontage.
- d. The Applicant shall install new street lighting as required by City of Napa Standard Specifications and Standard Plans along the McKinstry Street Project frontage.
- e. All existing curb return pedestrian ramps and driveway approaches 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.
- f. Curb return pedestrian ramps meeting current ADA and City Public Works Standards shall be installed at the project driveways along the McKinstry Street Project frontage.
- g. The existing driveway approaches, which will no longer be used to access the Site, shall be removed and replaced with standard curb, gutter, landscape strip, and sidewalk.
- h. All public street pavements structural section installations shall include a minimum of 3 inches of Asphalt Concrete over 15 inches of Class 2 Aggregate Base material. Refer to Table 3.1 Street Design Criteria for minimal structural sections.
- i. On plan sheet UP2.1 Section 1-1, an alternative all-weather structural section is provided. The alternative all-weather structural section shall be approved by the Geotechnical Engineer and submitted for approval to the Public Works Development Engineering Division with the first improvement plan submittal.
- j. 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.
- k. 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.
- l. The improvement plans shall include existing topography and proposed changes of the site extending a sufficient distance beyond its boundaries to show drainage patterns and impacts on neighboring properties (including the fronting street right-of-way).
- m. The improvement plans shall include an Erosion Control Plan.

ATTACHMENT 1

- n. The improvement plans shall include a Joint Trench Plan.
- o. The improvement plans shall include a Construction Traffic Control Plan.
- p. The improvement plans shall include all the existing utilities including overhead and all underground utilities.
- q. 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 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.
- r. 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 with the first improvement plan submittal.
- s. 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

ATTACHMENT 1

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.

- t. The Applicant shall relocate all the existing underground utility vaults that are in conflict with the proposed driveway approaches. The new locations of the utility vaults shall be approved by the City Engineer. On plan sheet UP3.0, an existing vault located on the middle of the proposed northern commercial driveway approach is shown to remain, the existing vault shall be relocated outside of the commercial driveway.

30. 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, 4' sidewalk adjacent to curb, street paving, driveway approaches modified to meet ADA standards, and drainage facilities shall be installed on the Project's private driveway.
- 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 driveways 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 24 feet.
- d. The Project shall provide a backup and turnaround area for all on-site parking spaces. In particular the dead-end of the drive aisle shall lie a minimum of 5 feet beyond the last parking space.
- 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 turnaround area shall be provided for all required parking spaces, including tandem spaces.
- f. Per City of Napa Public Works Standard Specification 3.02.02 H., 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 path of travel for back of house activities (laundry, room service, etc.) occurring between the two hotel buildings shall be accommodated on-site.

31. 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.

ATTACHMENT 1

- 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.
- c. All existing DIs along the EVA shall be traffic rated.
- d. Lot grading and drainage system improvements shall be installed by the Applicant as part of the improvements. Constructed pad elevations shall not deviate more than 0.5 feet from the pad elevations shown on the use permit drawings.
- e. The grading plans provided by the Applicant for review shall include the existing topography shown with contour lines 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.
- f. Detention improvements shall be incorporated into the Project storm drain system design as necessary to maintain post development 10-year and, 25-year runoff from the site at pre-development levels. Supporting calculations shall be submitted for review and approval.
- g. The grading and drainage plan shall include a design that allows for a 100-year overland release with all finish floor slab elevations a minimum of one foot above the 100-year overland release elevation.
- h. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.
- i. 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.
- j. 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.
- k. Applicant to follow and comply with City of Napa Municipal Code Chapter 8.36 Stormwater Quality Ordinance.
- l. 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.
- m. The roof drainage and downspouts from each building (on the property) shall not be allowed to discharge onto the adjacent properties.
- n. **CONSTRUCTION WATER QUALITY MEASURES** – In accordance with the NPDES Construction General Permit, the property owner shall insure that the Applicant and the contractor incorporate storm water quality Best Management Practices (BMP's) into the project construction process.

ATTACHMENT 1

- (1) **Projects < 1 acre:** Provide an Erosion and Sediment Control Plan (ESCP) See ESCP template at: <http://www.cityofnapa.org/574/Stormwater-Quality>
- (2) **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>

- (3) The construction BMP's shall be shown on the project Erosion and Sediment Control Plan (ESCP).
 - (4) 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
 - (5) 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.
 - (6) 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.
- o. POST CONSTRUCTION WATER QUALITY MEASURES - In accordance with the City of Napa, "BASMAA Post-Construction Manual prepared by the Bay Area Stormwater Management Agencies Associated (BASMAA) Phase II Committee, dated July 14, 2014" the Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality. <http://www.cityofnapa.org/574/Stormwater-Quality> Under "Documents"
- (1) The post-construction BMP's 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.

ATTACHMENT 1

- (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 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 1/30/2019.
- p. 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.
 - q. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
 - r. Easements (or deed restrictions requiring the reservation of easements upon property transfer) shall be established for piped, V-ditched and overland (sheet and channeled) drainage between the parcels. Drainage easements shall be provided for the drainage facilities shown on the plans in accordance with the City of Napa Public Works Department Standard Specifications and Standard Plans. Easements shall have a minimum width of 10 feet. Pipes exceeding 24-inches in diameter or deeper than 5-feet will require wider easements as required by the Public Works Director. All drainage easements must be shown on the improvement plans. Easement documents shall be reviewed and approved by the Public Works Department Engineering Division and City Attorney and recorded prior to occupancy.
 - s. 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

ATTACHMENT 1

provisions and are to be reviewed and approved by the Development Engineering Division.

- t. The Applicant shall install full trash capture device(s) in accordance with the State Water Boards Trash Provisions Water Code section 13383. Full trash capture systems shall be designed to
 - (1) Trap all particles 5mm or greater
 - (2) Be sized to treat the 1-year, 1-hour storm event
 - (3) Device(s) shall be chosen from State Water Board list of certified devices.
 - (4) Device(s) shall be maintained at a frequency that ensures captured trash does not reduce device efficiency or create flooding, a minimum of once annually.
- u. 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-

ATTACHMENT 1

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).

v. Food Establishment/Outdoor Dining

- (1) Applicant shall comply with Best Management Practices (BMPs) to ensure trash, debris, organic materials, oil and grease, toxic chemicals in cleaning products, disinfectants, and pesticides do not enter the City's Stormdrain system.
- (2) Applicant shall comply with City of Napa Stormwater Pollution Ordinance NMC Chapter 8.36 to avoid or eliminate "Illicit Discharges" into the City's stormdrain system.
- (3) Applicant shall be responsible for maintaining the cleanliness of the outdoor dining area including disposal of litter, garbage and pavement cleaning.
- (4) Applicant shall place no garbage generated by the outdoor dining area into public trash cans.
- (5) Applicant shall clean up any spills promptly.
- (6) Applicant shall steam clean or pressure wash concrete in the outdoor dining area at least once a month or more often as needed to remove stains. Storm Drains and curb and gutter drain directly to the Napa River, a water of the State of California. It is unlawful to pollute water flowing to the Napa River with any substance or materials deleterious to fish, plant life or bird life. The Applicant shall conduct their outdoor dining operations in such a manner as to avoid water pollution. The Applicant shall take particular care when conducting outside cleaning. Note that coordination with the Napa Sanitation District is required prior to disposing surface cleaning discharge into sanitary sewers.

ATTACHMENT 1

32. 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 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 Standard Specifications and Standard Plans (Section 1.10.08 - Dust Control); the National Pollution Discharge Elimination System requirements; and the California Department of Transportation Construction Manual (Chapter 4 – Construction Details – Section 4-1003C 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.

ATTACHMENT 1

33. WATER FACILITIES - The following items related to water facilities shall be shown on the improvement plans and 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 property 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 (commercial, fire, irrigation, etc.) with tie-in locations, surrounding utilities, etc.
- 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 as directed by City of Napa Water Division 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. Designate applicable on-site fire hydrants as private.
- l. Relocation of any affected water facilities and/or appurtenances (e.g. private fire hydrants, backflow devices, meters, etc.).
- m. Identify and record all private water easement(s) necessary to extend private service(s) behind the public water meter to the property served.
- n. 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.
- o. Contact the City of Napa Fire Department to determine fire sprinkler requirements.

34. MISCELLANEOUS - The following items shall be shown on the improvement plans prior to approval of the improvement plans:

ATTACHMENT 1

- 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. The plans show on plan sheet UP3.0 a new 6" SS Lateral connecting to an (E) 8" Flush Hole that is located within the Napa County Flood Control and Water Conservation District (NCFWCWD) north closure gate concrete slabs. The Applicant shall move the SS lateral connection to the north, if technically feasible, to avoid the north closure gate concrete slabs.
- c. The proposed grease interceptor, located within the Fire Ladder Truck path of travel, shall be traffic rated and shall be capable of supporting a GVW of 72,000 lbs. (Fire Ladder Truck).
- d. The Site is located in a Special Flood Hazard Area "Zone AE" as designated on the Flood Insurance Rate Map (FIRM), 06055C0516F effective September 29, 2010 and revised per LOMR16-09-1316P effective 1/22/2019 and it is also in a Measure A parcel. As such the requirements in NMC Chapter 17.38 Floodplain Management apply to all new construction within the Special Flood Hazard Area and Ordinance O2003 10 requirements apply to all parcels designated as Measure A Parcels. These include but are not limited to:
 - (1) The Project site plan shall indicate the limits and Base Flood Elevation (BFE) of the Floodplain as delineated in the current FEMA FIS and FIRM prepared for the City of Napa. All elevations should be based on NAVD88 datum and so noted on the site plan.
 - (2) If applicable, indicate on plans water resistant materials for all construction below BFE plus one foot per FEMA Technical Bulletin 2-93.
 - (3) 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.
 - (4) Upon completion of construction, 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. All referenced elevations shall be based on NAVD88 datum and the current FEMA FIS and FIRM prepared for the City of Napa.
- e. Landscape fence details (i.e. connection to existing and or new retaining walls, etc.) shall be shown on the improvement plans and shall be submitted in the first improvement plan submittal.
- f. Should the parcels (APN 044-250-035 (proposed hotel), and 044-540-001 and 044-540-002 (common area existing hotel)) merge prior to building permit submittal, the existing and proposed hotels are authorized to share use of the trash compactor, food cart/compost containers, and recycling containers at the existing hotel with the material from the proposed hotel being transported through one parking garage to the other and up to the loading dock where the

ATTACHMENT 1

aforementioned stream containers reside. Should the proposed hotel remain on its own separate parcel (APN 044-250-035), the applicant may either:

- (1) provide a minimum 17ft by 10ft enclosure in or proximal to the hotel to accommodate the 12cu.yds. municipal solid waste/recycling/compostables (i.e. food scraps) estimated to be generated per week. The trash enclosure shall comply with the Solid Waste and Recycling Enclosure Standards as approved by City Council on October 21, 2008 (Resolution R2008 185); OR
 - (2) execute a notarized recorded agreement granting (in perpetuity) access and use of the existing hotel's trash/recycling/food scrap/compost facilities by the proposed hotel.
- g. This Project is subject to City Ordinance O2010 18 which requires projects that:
- (1) exceed \$100,000 in building valuation; or (b) exceed 5,000 sq.ft. of new, improved, or remodeled areas; or (c) exceed 5,000 sq.ft. of floor area to be demolished; 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. 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.
- h. This Project 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.
- i. Install all new underground utilities required to serve the Project underground including but not limited to electricity, telecommunications, water, sewer, gas, etc.
- j. The Applicant is responsible for all coordination with all 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 and existing underground utilities that conflict with the new improvements.

ATTACHMENT 1

35. 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. Complete the lot line adjustment required by Condition of Approval No. 10.
 - (1) Furnish proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
- b. 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.
- c. The Applicant shall pay off all current account balances based on the rate in effect at the time of the permit issuance.
- d. The Applicant shall pay a cash deposit for inspection fee services for Public Improvements.
- e. 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.
- f. 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.
- g. The Applicant shall execute a reciprocal access and maintenance agreement for all parcels, which share use of private access, drives, etc. The agreement shall be in a form subject to review and approval of the Public Works Director and approved as to form by the City Attorney and shall be recorded prior to the approval of the improvement plans.
- h. The Applicant shall submit to the Public Works Department Development Engineering Division a Soils Investigation/Geotechnical Report in accordance with Section 16.36.200 of the City of Napa Municipal Code 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 Title 15 of the City of Napa Municipal Code.
- i. Establish an incorporated homeowner's association with recorded Covenants, Conditions & Restrictions (CC&R) that are satisfactory to the City Engineer to

ATTACHMENT 1

provide long-term maintenance of the Private Improvements identified above. Alternatively, the Applicant may establish an incorporated maintenance association and their attendant satisfactory CC&R's to provide said long-term maintenance of the Private Improvement in lieu of a homeowner's association.

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

36. 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) (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 SWPPP for their use.

37. 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. Obtain and convey all easements and dedications, public and private, for the construction, use and or maintenance of utilities, access roads (new EVA, autocourt and subterranean connection), and post-construction storm water management facilities. Specific easements include:
 - 1) Convey to the City of Napa an easement along the existing Napa River Walk for fire access and EVA purposes that provides a continuous unobstructed minimum width of 20-feet along the eastern property line to the face of the floodwall pilaster.
- c. Submit any remaining water connection fees to the City of Napa Public Works Department Water Division at 1700 Second Street, Suite 100, Napa, 94559.
- d. STREET IMPROVEMENT FEE - In accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements

ATTACHMENT 1

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 development 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 City's Master Schedule of City Fees, Fines and Charges effective January 1, 2020 , the current rate for the Street Improvement Fee for this Project is \$4,033 per room for the resort Hotel use areas.

	Land Use	Unit	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Resort Hotel	32 rooms	\$3,780/room	\$253/room	\$120,960	\$8,096
					\$120,960	\$8,096

- 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.
- g. City fee amounts are updated periodically. The Applicant shall pay the fees based on the rate in effect at the time of payment.

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

- a. 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.

ATTACHMENT 1

- 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 this Project as specified by the City of Napa Water Division. The Applicant will be contacted by the City of Napa Water Division after obtaining a building permit specifying the requirements for the proposed Project.
- e. Submit any remaining meter set and/or hot-tap fees to the Public Works Department Water Division at 1700 Second Street, Suite 100, 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.
- m. 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 bmp's 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.
- n. 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.
- o. 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.
- p. The Applicant shall submit the Elevation Certificate.
- q. An approved Flood Emergency Operation Plan and an Inspection and Maintenance Plan shall be required prior to building sign-off.

ATTACHMENT 1

- r. 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.
- s. 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.
- t. 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:

39. 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.

40. New buildings and additions to existing buildings shall conform to requirements set forth in the currently adopted editions of the California Building Code, California Fire Code, City of Napa standards and Nationally Recognized Standards.

41. 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.

42. 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.

ATTACHMENT 1

43. 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.

44. 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.

45. An approved water supply capable of supplying the required fire flow for fire protection systems shall be provided to all premises upon which facilities or buildings are hereby constructed or moved into or within the City. Required fire flow and hydrant distribution shall be in accordance with Appendix B and C of the California Fire Code.

46. 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.

47. 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.

48. Prior to building permit issuance, through the use of AutoTurn or comparable software provide a fire department circulation plan using the City's largest apparatus (ladder truck) and demonstrate clear turning movements into and out of the Project. The plan shall include a legend that demonstrates the apparatus specifications used. The final design of fire department access components shall be reviewed and approved by the Fire Marshal prior to installation.

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

50. 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.

51. 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.

ATTACHMENT 1

52. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Vertical traffic calming in the form of speed pumps, humps or dips are prohibited along fire access roads without prior approval of the fire Code Official. The minimum width and clearances established in Section 503.2.1 shall be maintained at all times.

53. 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.

54. 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.

55. 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.

56. 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.

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

58. 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. Also, a separate set of plans shall be submitted detailing all related underground Fire utilities and appurtenances including but not limited to; All underground piping, type, sizes, depth of burial, fittings, thrust blocks, risers, pumps, hydrants, FDC's, etc.

PARKS AND RECREATION SERVICES:

59. If the street tree, California Sycamore *Platanus racemosa*, located on McKinstry Street at the opening of new driveway, is removed, the Applicant shall replace it with a tree of same type in the size of a 36" box. The replacement tree shall be planted in a suitable planting space within the sidewalk, near the center of the circular drive as mapped on the site landscape plan LO1.

60. An additional standard 36" box California Sycamore *Platanus racemosa* shall be planted within the solid sidewalk area located in front of the south eastern most storm water retention frontage. The Applicant shall comply with City spacing specifications.

CITY GENERAL CONDITIONS:

61. Unless otherwise specifically provided in this resolution or the Development Agreement, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.

62. Except as otherwise provided in the Development Agreement, 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).

63. Except as otherwise provided in the Development Agreement, Development Plan, Design Guidelines, and approve Master Map, 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.

64. 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.

65. 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

ATTACHMENT 1

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. In the event of any differences between this indemnity provision and that in the Development Agreement, the Development Agreement shall control.

66. 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.

67. 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.

68. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this Project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

69. This resolution shall become effective immediately upon adoption.

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 18th day of February 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney