

ATTACHMENT 1

RESOLUTION R2020-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT TO CONVERT AN EXISTING HISTORIC RESIDENCE TO A BED AND BREAKFAST INN WITH 10 GUEST ROOMS AND TO AUTHORIZE A PARKING REDUCTION LOCATED AT 1221 SEMINARY STREET AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, on December 28, 2018, Marc Porat (“Applicant”) submitted an application (File No. PL18-0212) for a Use Permit pursuant to Napa Municipal Code (“NMC”) Chapter 17.60 (“Use Permit”) to establish a Bed and Breakfast Inn and reduction in the number of required on-site parking spaces pursuant to Napa Municipal Code (“NMC”) (“Use Permit”), and a Planned Development overlay pursuant to NMC Chapter 17.42 (“Planned Development Overlay District”) to allow for reduced rear and side yard setbacks, modification to parking standards, and modification to fence heights (the “Project”) at 1221 Seminary Street (APN 003-152-013) (“Site”); and

WHEREAS, the Project was deemed complete on February 7, 2020; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 21, 2020, and has recommended approval of the subject application; and

WHEREAS, the City Council has considered all information related to the Use Permit and Planned Development Overlay, 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 determines that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines (Categorical Exemptions; Class 1) which exempts minor alterations to existing historic residential structures, including additions that do not exceed 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less; Section 15303 (Categorical Exemption: Class 3) which exempts in urbanized areas buildings not exceeding 10,000 square feet in floor area on sites zoned for such use; and Section 15331 (Categorical Exemptions: Class 31), which exempts interior and exterior alterations to existing structures and additions to existing structures, and the rehabilitation of historic resources which are consistent with the Secretary of Interior’s Standards for the Treatment of Historic Property.

ATTACHMENT 1

Section 2. The City Council hereby approves the Use Permit for the Bed and Breakfast and for modified parking requirements as defined on the revised plans dated January 8, 2020 and submitted as a part of the subject application and makes the following findings in support of the approval:

1. *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 Site is located within the TRI-143 – Traditional Residential Infill General Plan Designation which provides for detached and attached single family homes, second units, planned unit and cluster developments, triplexes, manufactured housing, live-work housing, and similar compatible uses. Non-residential uses may also be allowed in appropriate locations at the discretion of the City, including bed and breakfast inns. The proposed bed and breakfast inn use is consistent with the TRI Designation. Bed and breakfast inns uses are permissible under the TRI-145 General Plan designation and zoning, subject to the approval of a Use Permit, and approval of the Use Permit would be in accord with the General Plan, the objectives of the Zoning Ordinance and the purposes of the district and overlay districts in which the Site is located. Further, the Project is consistent with Land Use Element Policy LU-6.3 which seeks to promote the continued rehabilitation and reuse of historic downtown structures...” as the Project will restore and reuse the historic Thomas Earl House. Its preservation is also consistent with Historic Resources Goal HR-1 which seeks “[to] preserve and maintain sites, buildings, and landscapes that serve as significant, visible reminders of the city’s social, architectural, and agricultural history.”

2. *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, as conditioned, will not cause negative impacts to the neighborhood nor result in impacts that would be detrimental to the public health, safety, or welfare. The outdoor amenities or entertaining areas that could cause disturbance to neighboring properties are conditioned to provide quiet hours consistent with the Applicant’s operation plan. The reduction in the required amount of on-site parking will allow the Site to utilize seven parking spaces on-site which is consistent with the informal parking study provided by the Applicant which determined that six parking spaces would be sufficient for a ten room bed and breakfast inn.

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

ATTACHMENT 1

Bed and breakfast inns and reduction of the required amount of on-site parking spaces are permitted with a Use Permit. Upon City Council approval of a Use Permit as conditioned, the Project will be in compliance with the provisions of NMC Chapter 17.08 (Residential Zoning), NMC Chapter 17.54 (Parking), NMC Section 17.52.070 (Bed and Breakfast Inns) and NMC Chapter 17.60 (Use Permits).

4. *The establishment of the bed and breakfast inn is consistent with the General Plan policies regarding historic preservation and regarding the loss of rental units in the housing stock.*

Land Use Element Policy LU-6.3 states, "The City shall promote the continued rehabilitation and reuse of historic downtown structures..." and Historic Resources Goal HR-1 seeks "[to] preserve and maintain sites, buildings, and landscapes that serve as significant, visible reminders of the city's social, architectural, and agricultural history." The proposed reuse of the historic structure allows for the continued use of the structure and for its rehabilitation consistent with this General Plan policy. The preservation of this local landmark building is consistent with this General Plan goal. The proposed conversion of the former residence into a bed and breakfast does not result in a loss of a residential unit as the building has been uninhabited for many years.

5. *The bed and breakfast inn use will not be detrimental to the historic or architectural character of the existing building(s).*

No modifications to the character defining features of the building will occur and the proposed Project has been reviewed for consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties and would not adversely affect the integrity of the historic building.

6. *The bed and breakfast use is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.*

The Project has been appropriately designed and conditioned to ensure compliance with the bed and breakfast inn development and performance standards and will not result in adverse impacts to adjacent properties or the general health, safety, and welfare of the community. Food service is limited to breakfast and special events are not permitted.

7. *The new bed and breakfast does not harm the character and livability of adjacent residential properties.*

The Site is bound by single family residential uses with close proximity to three (3) bed and breakfast inns including La Belle Epoque, La Petite Maison and Old World Inn. All three bed and breakfast inns are located approximately 300 feet away. Given that the Project is located entirely on the property of an existing historic residence

ATTACHMENT 1

and sufficient parking located both on site and on street is provided for the use per the Applicant's survey, Staff believes that the proposed bed and breakfast inn will not harm the character and livability of adjacent residential properties.

8. *There is no economically feasible way to restore the building without the additional rooms.*

This additional finding is required to support the Applicant's request for a waiver to the standard that the majority of the guest rooms be in the principal building. As stated by the Applicant, multiple developers and contractors looked at the house and deemed the structure inviable for repair alone. The estimates by general contractors projected that it would cost in excess of two million dollars to complete basic repairs to make the building functional again. The rehabilitation of the single-family home would not provide the income necessary to offset the extraordinary costs. The Applicant's team concluded that an additional six guest rooms for a total of ten rooms would be required to make restoration of the Thomas Earl House financially feasible.

Section 3. The City Council hereby approves the Use Permit as defined on the revised plans date stamped January 8, 2020, ("Plans"), subject to the following conditions of approval:

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. The Use Permit authorizes ten (10) guest rooms (four in the main house and six in the new buildings), one (1) on site manager's suite, seven (7) on-site parking spaces, one of which will be an Americans with Disabilities Act accessible stall, in accordance with the plans dated January 8, 2020 and submitted as a part of the subject application and these conditions of approval. Guest room locations are identified on the project plans; one accessible guest room located on the first floor of the Thomas Earl House, three guestrooms located on the second story of the Thomas Earl House, one guest room in the south cottage, and four guest rooms in the carriage house.
2. The Inn shall be the primary residence of the owner or manager of the Inn. Use of the owner or manager's quarters in the Inn for any other purpose, including as transient occupancy use (i.e. hosted or non-hosted vacation rental), is prohibited.
3. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements of this Use Permit.
4. The use of the Thomas Earl House Bed and Breakfast Inn for special events including but not limited to, weddings, auctions, commercial functions, or other similar events is inconsistent with the use of the Site for transient occupancy in a residential neighborhood and is prohibited.

ATTACHMENT 1

5. The Conditional Use Permit shall be reviewed 12 months from the date of Certificate of Occupancy at which time the Planning Commission will review the application to determine whether the Applicant has adhered to the off-street parking allowance.
6. There shall only be one meal, breakfast, served daily and limited to guests and the owner/manager of the bed and breakfast inn.
7. The owner/operator of the bed and breakfast shall make available to the neighboring property owners, a contact number for the on-site manager in the event of disturbances.
8. The bed and breakfast shall be operated in accordance with the Operations and Standards Manual dated September 25, 2019 and submitted with the project description. Any proposed revisions to the operations plan shall be submitted to the Planning Manager for review and approval prior to implementation of such change.
9. Prior to each rental of a guest room, a copy of the house rules shall be posted in a prominent location inside all guest rooms, including, at a minimum, the following:
 - a. Quiet times shall be 10:00 P.M. to 7:00 A.M. Sunday through Saturday for all outdoor amenities including the pool, kitchen, dining and seating areas.
10. The Applicant shall comply with Business License Tax regulations.
11. The Applicant shall comply with Transient Occupancy Tax regulations.
12. All conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of Building Permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
13. All exterior lighting on the Site shall be properly shielded and directed downward to preclude glare conditions that might impact adjacent properties or public streets.
14. No banner signs shall be installed on the Site except in accordance with NMC Section 17.55.120(E). 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 on the Site.
15. No outdoor speakers are approved as a part of the Use Permit.
16. The plans submitted for Building Permit shall identify the locations of all mechanical and utility equipment, including transformers and backflow devices.

ATTACHMENT 1

17. All mechanical and utility equipment, including transformers and backflow devices must 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. Because transformers and backflow prevention devices are regularly maintained and tested, screening is required to meet certain criteria for the accessibility and visibility. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.
18. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The Ordinance further states that there will be: no start-up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.
19. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District confirming that the Applicant has complied with all Napa Sanitation District requirements applicable to the Project. The Napa Sanitation District has described the applicable requirements in a letter to the Planning Division dated January 28, 2020, attached hereto and incorporated herein as Exhibit A.
20. Prior to issuance of a Building Permit, the Developer 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 pursuant to NMC 15.108), if applicable.
21. Additional Approvals Required:
 - a. Approval of this Use Permit is subject to the Environmental Health Division of the County of Napa approving any required food facility permits.

Community Development Department – Building Division

22. Although the Use Permit is for a “Bed and Breakfast”, the 2019 California Building Code classifies the use and occupancy of this building as an R-1. Residential Group R-1 occupancies are buildings containing sleeping units where the occupants are primarily transient in nature, including: Boarding houses, (transient) with more than 10 occupants, Hotels (transient), Motels (transient). The 2019 California Building

ATTACHMENT 1

Code defines “transient” as an occupancy of dwelling unit or sleeping unit for not more than 30 days. R-1 occupancies are required to comply with the California Building Code, Chapter 11-A, which provides for accessibility to persons with disabilities. The Building Permit plans shall demonstrate compliance with the California Building Code requirements for R-1 occupancies.

23. The Applicant shall provide to the Building Division the following at time of Building Permit application (the list below may not be a complete list):
- a. A completed building permit application.
 - b. 6 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. Fire sprinkler plans.

Public Works Department

24. In conjunction with the Building Permit processing, Applicant shall submit a complete set of plans (existing conditions, grading, drainage, utility, erosion control plan, stormwater control plan, etc.) prepared by a registered Civil Engineer (Engineer of Record) or Architect to be incorporated into the Building Permit site plans. The plans shall include all existing features (curb, gutter, sidewalk, driveway approach, etc.) and detailed design(s) for all the proposed features (including grading, drainage, stormwater quality, easements, and water features) as more specifically described as follows:
- a. Size and location of all the existing utilities (water, electrical, gas, storm drain, sewer services, cable, phone, etc.) to the Project. Show all existing water services to adjacent parcel(s).
 - b. Size and location of existing utility main(s) and applicable tie-in locations, details, etc.
 - c. Size and location of existing water meter and backflow device (if there is one) with tie-in locations, surrounding utilities, etc.
 - d. If there is no existing backflow device, one must be installed. Show proposed location on the utility plan per City Standard W-05A. <http://www.cityofnapa.org/documentcenter/view/2776>
 - e. Installation of a sufficient number of water main valves at City approved locations.
 - f. Size and location of all proposed water services (residential, fire, irrigation, etc.)

ATTACHMENT 1

- g. Relocation of any affected water facilities and/or appurtenances (e.g. private fire hydrants, backflow devices, etc.). NOTE*** Water meters may not be in driveways or driveway approaches per City Standard Plan W-1A.
 - h. Show all the easements that are on the Site.
 - i. Show the grading limits of the Project.
 - j. Size and location of all appropriately sized proposed utilities (water, electrical, gas, storm drain, sewer services, cable, phone, etc.) to the Project.
 - k. Record all private water easement(s) necessary to extend private service(s) behind the public water meter to the property served.
25. The Applicant shall follow and comply with NMC Chapter 8.36 Stormwater Quality Ordinance.
26. Applicant shall ensure all Water Facility Obstruction Separation requirements are met per City Standard W-18.
27. This Project may be subject to NMC Chapter 15.32 which requires projects that: (a) exceed \$100,000 in building valuation; or (b) exceed 5,000 square feet 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/tags for each load shall be obtained, and at the conclusion of construction shall be submitted for review by the Compliance Officer prior to the approval of a Certificate of Occupancy.
28. This Project is also subject to the requirements in Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc.
29. The Applicant shall indicate on the Building Permit plans the location of the trash/recycling/compost cars and;
- a. Provide a trash enclosure onsite; or
 - b. Pursuant to NMC Section 17.52.390 of the NMC Zoning Ordinance, request an exemption to the recycling and waste enclosure standards.
30. A food facility shall not be permitted on the Site until such time as a solid waste/recycling/food waste enclosure with a roof and drain connected to the sanitary sewer is provided.
31. The driveway shall be a hard surface such as asphalt, concrete or pavers.

ATTACHMENT 1

32. The Applicant shall remove, repair, and construct all of the improvements to be dedicated to and/or maintained by the City of Napa (i.e. the "Public Improvements") as more specifically described below:
- a. Remove the existing driveway approach located along Seminary Street (north end of the property) and replace with the necessary curb and gutter and sidewalk improvements to conform to the existing frontage improvements and adjoining parcels.
 - b. The plans show two (2) driveways approaches along the frontage of the property, an existing driveway approach that leads to the garage and a driveway approach on the other side of the house that leads to a "Carpark" area. The northern driveway approach (carpark area) shall be removed. It is the City of Napa Policy to keep the amount of driveway approach cuts to a minimum.
 - c. Remove the necessary portion of curb and gutter, 5.5-foot wide landscape strip, and 4-foot wide sidewalk and construct a standard residential driveway approach to the Project. The project driveway approach shall be a minimum of 14-feet wide (not including 3-foot flares). (The Applicant provided a Design Exception Request Letter to the Public Works Department dated November 21, 2019 (Design Exception #1) for an exception to the minimum 20-feet driveway width stated in City of Napa Public Works Standard Specification 3.02.2 bullet 1, which was approved by the Public Works Department.)
 - d. Construct necessary curb and gutter, 5.5-feet landscape strip, 4-foot wide sidewalk, and striping improvements to conform to existing frontage improvements and to conform to adjoining parcels.
 - e. Install along the entire Site frontage public improvements that include 4-foot sidewalk, curb and gutter (if existing is not serviceable), and landscape strip. Improvements shall match dimensions and finishes as those of the surrounding neighborhood. Dowel new concrete to existing concrete with reinforcing steel bars.
 - f. Install certain public water infrastructure improvements sufficient to meet City water quality, operational and fire flow requirements which are more specifically described as follows:
 - a. Abandon any existing unused water service(s).
 - b. Install all new water service(s) at City-approved location(s) within the public right-of-way.
 - c. Relocate any affected water facilities and/or appurtenances (e.g. private fire hydrants, pressure relief valves, etc.)
 - g. If any portion of the existing sidewalk, curb and gutter, and/or landscape strip is removed or damaged due to construction activities along Calistoga Drive or outside of the Site frontage; then Applicant shall remove and replace the sidewalk

ATTACHMENT 1

or curb and gutter to the nearest score lines and reestablish the landscape strip. The Applicant shall dowel new concrete to existing concrete with reinforcing steel bars.

- h. The plans submitted show a new/proposed water line connection along Seminary Street and a new sanitary sewer connection along Calistoga Avenue within the City of Napa right-of-way. If it is determined during the Building Permit Review or Construction phases that new utility connections are needed in the City or Napa right-of-way, then after trenching for all utilities (water, gas, storm drain, telecommunications, electrical, sanitary sewer, etc.) is completed, the Applicant shall overlay with Asphalt Concrete (AC) the work areas determined by the City Engineer. The AC overlay should cover the whole width of the street, from lip of gutter to lip of gutter per City Public Works Standard Specifications.
 - i. After trenching for all utilities (water, gas, storm drain, telecommunications, electrical, sanitary sewer, etc.) is complete, the Applicant shall overlay with Asphalt Concrete (AC) the work areas determined by the City Engineer. The AC overlay should cover the whole width of the street, from lip of gutter to lip of gutter per City Public Works Standard Specifications.
 - j. Asphalt restoration shall be a 2-inch grind and overlay. Extent of restoration shall be 10 feet beyond any street cuts on either side from lip of gutter to lip of gutter. Full extent of restoration shall be field verified and determined by the City Engineer.
 - k. The Applicant shall repair all public sidewalks that are damaged and/or displaced on the Site's frontage as directed by the City. Contact Alex Reynolds at 707-257-9438 to determine sidewalk repairs. Sidewalk repairs shall be in accordance with City's Standard Specifications and Standard Plans.
33. The Applicant shall construct all improvements that will not be dedicated to and/or maintained by the City of Napa (i.e. the "Private Improvements") as more specifically described below:
- a. All water service laterals (domestic, irrigation, and fire water) shall include an approved backflow prevention device. Show size and location of laterals along with tie-ins, and all surrounding utilities. Contact the City of Napa Fire Prevention Division to determine fire sprinkler requirements.
 - b. Install drainage facilities and other appurtenances to collect and convey all surface drainage to an approved outfall.
 - c. Construct a residential driveway, the driveway shall be a hard surface such as asphalt, concrete, or pavers and a minimum of 20-feet from the back of sidewalk. The Project driveway shall be a minimum of 14' wide. (The Applicant provided a Design Exception Request Letter to the Public Works Department dated November 21, 2019 (Design Exception #1) for an exception to the minimum 20' driveway width stated in City of Napa Public Works Standard Specification 3.02.2 bullet 1, which was approved).

ATTACHMENT 1

- d. On-site vehicular parking shall be allowed within the initial 20' of the Project driveway, measured from back of sidewalk as shown on the Plan set dated February 11, 2020 prepared by Deming Architectural and Engineering Services Inc. (The Applicant provided a Design Exception Request Letter to the Public Works Department dated November 21, 2019 (Design Exception #2) for an exception to the 20' parking setback stated in City of Napa Public Works Standard Specification 3.02.02 bullet 8, which was approved).
- e. To maintain adequate sight visibility at public street access points and street corners, the Applicant shall comply with City of Napa Public Works Standard Specification Drawing S-25. The sight distance and visibility triangle lines shall be shown on the grading and drainage plans. The visibility height limits are measured from the top of curb of the fronting street to the top elevation of the obstruction.
- f. 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"
 - a. The post-construction BMPs shall be shown on the project improvement/building plans and in the required Storm Water Control Plan (SCP).
 - b. All designated projects – The Applicant shall prepare and submit a SCP per "BASMAA Post-Construction Manual, dated July 14, 2014," standards and an Erosion and Sediment Control Plan.
 - c. The landscape plans shall be submitted to the Development Engineering Division with the submittal of the Improvement/Building Plans. Landscape Plans shall illustrate all LID post construction measures and include the required plant species as specified in the BASMAA Post-Construction Manual.
 - d. The post construction BMP measures shall be installed by the Applicant and designed and sized by a registered civil engineer in accordance with the City's adopted BASMAA Post-Construction Manual and an accepted design method such as that which is outlined in the "California Storm Water Quality Association BMP (CASQA-BMP) Handbook". The design and calculations are to be reviewed and approved by the Development Engineering Division.
 - e. 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 Deming Architectural & Engineering Services, Inc. dated 12/20/2019.

ATTACHMENT 1

- g. 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.
- 34. 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. New electrical or telecommunication services air drops are not allowed.
- 35. Electrical service to the South Cottage, and Carriage House shall be underground from the Villa (main house panel) or underground from the service power pole. New electrical air drops are not allowed.
- 36. The two (2) existing wood power poles that are located along the Site frontage (Seminary Street) might conflict with the proposed driveway approach. If that is the case, the Applicant shall relocate the existing power pole(s) to be in line with the property line.
- 37. The Applicant shall submit with the first Building Permit submittal, the PG&E joint trench design plans.
- 38. Prior to approval of the Building/Grading Permit, the Applicant shall:
 - a. Submit detention calculations for the sunken terrace that are prepared by the registered civil engineer for review and approval by the Development Engineering Division. Detention improvements shall be incorporated into the Project storm drain system design as determined by the requirements in the chart titled, "Detention Requirements," within Section 2.10, "Detention," of the City of Napa Standard Specifications and Standard Plans.
 - b. Provide an Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Development Engineering Division for review and approval with the first building/grading plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.
 - c. Construction Water Quality Measures – In accordance with the NPDES Construction General Permit, the property owner shall insure that the Developer and the contractor incorporate stormwater quality Best Management Practices (BMPs) into the project construction process.
- a. **Projects < 1 acre:** Provide an Erosion and Sediment Control Plan (ESCP) See ESCP template at: <http://www.cityofnapa.org/574/Stormwater-Quality>

ATTACHMENT 1

- b. The construction BMPs shall be shown on the project Erosion and Sediment Control Plan.
 - c. The project property owner shall insure that the contractor manages all construction activities; and handles, stores and disposes of all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to the maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains and solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drains, ground water, and/or waterways.
 - d. The project property owner shall insure that the contractor incorporates spill prevention and cleanup measures into the construction operation. All discarded materials shall be removed from the site and disposed of at an approved disposal facility.
 - e. The project property owner shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.
- d. 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.
- a. 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.
 - b. The agreement shall be recorded prior to approval of the Improvement/Building 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.
 - c. Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
 - d. 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 building plan approval.

ATTACHMENT 1

- e. Pay all account balances and current fees based on the rate in effect at the time of permit issuance. The fee amounts listed below are for informational purposes only as they are updated periodically. These fees include, but may not be limited to the following:
- a. **STREET IMPROVEMENT FEE** - In accordance with NMC Chapter 15.84 and implementing resolutions, the Applicant shall pay the Street Improvement Fee prior to issuance of any building permit for the Project. 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 the 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.
 - b. The Applicant shall pay Street Improvement Fees in accordance with the Master Schedule of City Fees, Fines and Charges:

	Land Use	Units	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Hotel	10	\$1,787/room	\$119/room	\$17,870	\$1,190
	Apartment	1	\$1,669/DU	\$1,529/DU	\$1,669	\$1,529
Existing Use (Credit)	Single Family Detached Housing	1	\$2,465/DU	\$2,258/DU	(\$2,465)	(\$2,258)
					\$17,074	\$461

- c. Street Degradation fee of \$5,000 (if applicable).
- d. Submit any remaining Water fees to the City of Napa Utilities Department Water Division office at 1700 Second Street, Suite 100, Napa, CA 94559.
- f. Contact the City of Napa Fire Prevention Division to determine the fire sprinkler requirements.
- g. Contact the City of Napa Parks and Recreation Services Department to coordinate street tree removal shown in civil plan sheets. Provide acknowledgement by Napa Parks and Recreation that the tree removal has been approved.
- h. Contact the City of Napa Parks and Recreation Services Department to coordinate street planting requirements along the landscape strip.

ATTACHMENT 1

- i. Provide documentation to the Public Works Department for review and approval that indicates that any work performed on neighboring properties shall be done in accordance with temporary construction easements from the impacted neighbor(s). The easement shall be obtained with copies submitted to the Public Works Department for review prior to the approval of the building permit plans.
 - j. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work and provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties. Provide pothole information during the building plan submittal.
 - k. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
 - l. Provide acknowledgement by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.
 - m. Provide acknowledgement by PG&E or copies of the approved PG&E joint trench design. The PG&E joint trench shall be approved prior to issuance of a Building/Grading Permit.
 - n. Furnish proof of the acquisition of all rights of entry and/or temporary and permanent easements necessary to construct the Project and the location of all such rights on the Plans.
 - o. Applicant shall obtain a City Encroachment Permit for any work in the public right-of-way. Contact City Staff Alex Reynolds (707-257-9438) for encroachment permit application and information. Encroachment Permit shall be issued prior to Building Permit issuance.
39. Prior to issuance of certificate of occupancy or final building permit sign-off (whichever occurs first):
- a. Construct all public and private water improvements as shown on the approved building plans, the City of Napa Public Works Department Standard Specifications and the special conditions contained herein.
 - b. All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer prior to occupancy. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
 - c. Submit a certification by the Engineer/Architect of Record that all work has been completed in substantial conformance with the approved Site Plan.

ATTACHMENT 1

- d. 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 Development Engineering Division:
 - a. Complete the Final Stormwater Inspection Sign Off form as specified in the Stormwater Control Plan and include the contractor's and engineer of record's signature verifying all site grading, drainage, and 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.
 - b. Submit a certification by the Engineer/or Architect of Record that all work has been completed in substantial conformance with the approved Building Permit plans and Stormwater Control Plan.
 - c. 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.
 - d. 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.
 - e. Submit certification that all backflow devices have been installed and tested by an AWWA certified tester (a list of testers is provided by the City of Napa) to the City of Napa Water Division. The test results shall be submitted by the Applicant to the City of Napa Public Utilities Department Water Division.
 - f. 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 Project.
 - g. Submit any remaining meter set and/or hot-tap fees to the City of Napa Utilities Department Water Division at 1700 Second Street, Suite 100, Napa CA 94559.
 - h. Provide record drawings outlining as-built conditions of the public and private site improvements (City requires digital files and bond copy formats). Digital files shall be compatible with the City's current version of AutoCAD and tied to the City's coordinate system.
 - i. Within sixty (60) days of the final inspection, the Applicant shall submit documentation (weight receipt/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.

ATTACHMENT 1

Fire Department – Fire Prevention Division

40. 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.
41. For any change of occupancy, when the proposed new occupancy classification is more hazardous based on a fire and life safety evaluation by the Fire Code Official and Chief Building Official, including conversion of building to single family residences, accessory dwelling units, bed and breakfast, inns, lodging houses or congregate residences or other similar uses an automatic fire sprinkler system shall be installed throughout.
42. 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.
43. 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.
44. 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.
45. 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.
46. 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.
47. Fire Protection systems shall be installed in accordance with provisions set forth in the NMC Chapter 15.04 and the applicable National Fire Protection Association Standard.
48. The fire protection equipment shall be located within an interior room having an

ATTACHMENT 1

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.***

49. 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.
50. Fire Department Connections (FDC) shall be located not more than 100 ft. from the nearest fire hydrant.
51. 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.

CITY GENERAL CONDITIONS

52. The plans submitted for improvement plan review and Building Permit review shall include a written analysis specifying how each of the conditions of approval have been addressed or incorporated into either the improvement plan set or building plan set.
53. Unless otherwise specifically provided in this resolution, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.
54. No use authorized by this permit may commence until after the Applicant executes any required permit agreement.
55. 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).
56. 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

ATTACHMENT 1

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.

57. 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.
58. 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.
59. 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.
60. The conditions of Project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
61. 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.
62. 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.

ATTACHMENT 1

63. This permit is subject to the expiration provisions of NMC 17.68.170 and may be extended in accordance with the requirements of NMC Section 17.68.130.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 16th day of June 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney

EXHIBIT A



COLLECTION • TREATMENT • RECOVERY • REUSE

January 28, 2020

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

SUBJECT: 18-0212 THOMAS EARL HOUSE B&B, REFRL-000968, MARC PORAT, 1221 SEMINARY ST (Barragan)

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

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

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

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

1. A plan showing the required sanitary sewer improvements shall be prepared by a registered civil engineer conforming to NapaSan standards, and shall be submitted to NapaSan for approval.
2. The owner shall obtain a demolition permit from NapaSan prior to removal of the existing building. Demolition credits shall be valid for a period of two years from the date the demolition permit is issued. As part of the demolition process, NapaSan will perform a video inspection of the existing street lateral. If the lateral passes video inspection as determined by the District, then the lateral may be reused. If it fails inspection, the owner will be required to hire a Class A licensed contractor to install a new street lateral at the owner's expense.
3. A private sanitary sewer easement shall be recorded over the adjacent parcel(s) in favor of the subject property. No permanent structures (existing or proposed) shall be permitted within the private easement area.
4. No plumbing from the outdoor pool/spa areas or water features shall be connected to the sanitary sewer system.
5. Discharge lines from the elevator sump pits shall not be connected to the sanitary sewer system.
6. The subject property proposes to connect to an existing sewer main that is over capacity during

EXHIBIT A

Planning Director
Page 2 of 2

wet weather flow conditions. Development of the subject property will increase projected sewer flows and create additional impacts to the public sewer system. The property owner shall implement an inflow/infiltration reduction project to mitigate wet weather flow (consistent with Napa Sanitation District Board Resolution No. 11 025) for each single family dwelling or commercial building developed on the property. Completion of the inflow/infiltration reduction project will be required prior to building permit approval or issuance.

7. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
- a. Demolition Permit
 - b. Plan Check Fees
 - c. Inspection Fees
 - d. Capacity Charges (per single family dwelling)
 - e. Capacity Charges (based on use and square footage for commercial space. Outdoor dining and event space is included in the square footage)
 - f. Capacity Charges (per unit for transient occupancy)

8. NapaSan has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at NapaSan's website (www.NapaSan.com). NapaSan may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.

The capacity charge for an equivalent dwelling unit currently is \$9,803 and will increase by the Consumer Price Index (CPI) annually in July. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff for additional information regarding capacity charges.

Sincerely,



Karl Ono, P.E.
Associate Engineer

EXHIBIT B




A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

To: Elena Barragan, Planner	From: Cindy Worthington, Environmental Health Permit Technician 
Date: 1/23/19	Re: Application for Earl House B&B Located at 1221 Seminary St. Assessor Parcel 003-152-013-000 File # PL18-0212

The application requesting approval to approve a Bed & Breakfast Inn has been reviewed and this Department has no objection to approval of the application with the City's standard conditions and mitigation measures with the following:

- 1) Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
- 2) Complete plans for the swimming pool and/or spa must be submitted to this Division for review and approval prior to approval of building permits. An annual pool permit will be required.
- 3) If any well(s) are to be destroyed, a well destruction permit must be obtained by a licensed well driller, from this Division.