

RESOLUTION R2020-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT, DESIGN REVIEW PERMIT AND ALTERNATIVE EQUIVALENT FOR THE FIRST AND OXBOW HOTEL AT 731 FIRST STREET AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION OR ARE OTHERWISE EXEMPT.

WHEREAS, on September 13, 2017, JB Leamer (“Applicant”), submitted an application (PL16-0124) for a use permit pursuant to Napa Municipal Code (“NMC”) Chapter 17.60 (“Use Permit”) to authorize a 74-room hotel and a design review permit pursuant to NMC Chapter 17.62 (“Design Review Permit”) to construct two four-story hotel buildings totaling 122,666 square feet in size on two lots bisected by the Wine Train railroad at the southeast corner of the intersection of First Street and Soscol Avenue and bounded by First Street, Soscol Avenue, the Napa River, the Water Street right-of-way, and the Napa River (the “Site”), APNs 003-235-003, -004, -005, -006, -007, 003-241-003, -006 (the “Project”); and

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

WHEREAS, the City Council has considered all information related to the Use Permit, Design Review Permit and Alternative Equivalent 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 Initial Study/Addendum for the First and Oxbow Gateway Project dated June 2020 (“Addendum”) that was prepared as an addendum to the Downtown Napa Specific Plan Environmental Impact Report (SCH#20100042043) certified by the City Council by Resolution No. R2012-54 (“DNSP EIR”) that the potential environmental impacts of the hotel project, including the removal of the Local Landmark structures from 718 Water Street and 731 First Street, were adequately analyzed and addressed in the DNSP EIR and that no further environmental review is required pursuant to CEQA Guidelines

Sections 15162, 15164, and 15168. The City Council further determines that the relocation of the Local Landmark structures to 58 Randolph Street is exempt from CEQA pursuant to CEQA Guidelines Sections 15303 (Class 3, which exempts construction and location of limited numbers of new structures, including up to three single family residences in urbanized areas), 15331 (Class 31, which exempts rehabilitation and restoration of historical structures in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties) and 15332 (Class 32, which exempts infill development on sites that are five acres or less).

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 Oxbow Commercial (OBC) land use designation and zoning as well as the goals and standards of the Downtown Napa Specific Plan (DNSP). In particular, the hotel makes efficient use of the underutilized site between the central part of First Street and the Oxbow Market. It proposes lodging facilities at a conveniently accessed site and with an active street frontage that would be consistent with Goal LU- 5 and Policies LU 5.6, LU5.8, and LU 6.1.

The Project would further be consistent with the DNSP in that the proposed design would feature a human-scale, pedestrian-friendly environment that is inviting to residents and visitors by having multiple commercial spaces accessible from First Street and Soscol Avenue. The Project would place priority on high-quality design and developing unique structures that complement their surroundings, orienting buildings and entrances to streets and public gathering places. The design of the new building would be complementary to the existing mix of buildings in the DNSP area, being a tall, contemporary building with an active street front like other new downtown Napa hotels built on First Street next to prewar commercial buildings. It is superior to other contemporary buildings in the Oxbow area for having this sidewalk interface where the others are behind vast parking lots. The design would meet the Guidelines of the DNSP 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 the DNSP.

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 Public Works Department has determined

that the improvements have been designed consistent with both the existing City Floodplain Management regulations and standards, and with Federal floodplain criteria. The proposed access points have been reviewed, modified and designed to minimize traffic conflicts, thereby rendering safe vehicular and pedestrian movements. The building will be setback consistent with the City's site distance standards at the intersection of Soscol Avenue and First Street ensuring safe flow of traffic, both vehicular and pedestrian, at the intersection in front of the Project. Historically, portions of the Site had been occupied by various uses including a foundry, machine shop and a dry cleaning business. Although subsurface investigations conducted with the Phase I ESA determined lead levels below the commercial/industrial land use ESL thresholds, the Project has been conditioned to prepare a Soils Management Plan, Health and Safety Plan and a Human Health Risk Assessment Plan to Construction Workers to ensure contaminants of concern do not pose human health risks to future construction and utility workers and the general public. As conditioned, the Project 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.

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

Hotels may be established by a Use Permit in the OBC Zoning District. The proposed hotel has been reviewed for compliance with the DNSP "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 Chapters 17.10 and 17.60 and 17.52.095 of the Zoning Ordinance.

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 Project, 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 provides a FAR of 3.97 which is below the General Plan maximum FAR. Likewise, the Project meets the DNSP Design Guidelines in that it employs four-sided architecture, makes a reasonable effort to minimize the perceived mass and scale, and includes measures to create an active pedestrian street frontage. Accordingly, the Project aligns with the design policies set forth in the General Plan and DNSP.

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

The Project is subject to the DNSP Design Guidelines. The proposed hotel'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 thoughtful landscaping and sustainability measures. The design will exhibit a contemporary interpretation of the traditional "small block, small lot" development pattern in Downtown Napa. The new building would employ articulation in walls and roofing while using a contemporary style with natural materials that would provide variety in First Street architecture. All design elements meet the DNSP 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 DNSP "Downtown II" District. As conditioned, the proposed Project would not result in any significant impacts. The hotel 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 hereby approves the Alternative Equivalent proposal attached hereto and incorporated herein as Exhibit C (" Alternative Equivalent Proposal") pursuant to NMC Section 15.94.070 and finds that the proposal will further affordable housing opportunities in the city to an equal or greater extent than payment of the affordable housing impact fees required by Chapter 15. 94 and implementing resolutions.

Section 6. The City Council hereby approves the removal of a protected native tree from the Site pursuant to NMC Section 12.45.090.B.2 and makes the following finding in support of the approval:

The protected native tree must be removed in order for the applicant to use the property for any use permitted by the city for property where the tree is located, and that such use could not be reasonably made of the property unless the tree is removed.

The protected native tree, a Coast Live Oak 36 inches in diameter at breast height, is in the area where the western hotel building will stand. The protected native tree must be removed in order to allow construction of improvements, and no reasonable use of the property can be made unless the tree is removed.

Section 7. The City Council's approval of the Use Permit, Design Review Permit and Alternative Equivalent are subject to the following conditions:

Community Development Department – Planning Division

ATTACHMENT 3

1. This Use Permit and Design Review Permit authorizes the construction and operation of a 74-room hotel with 37 rooms in each building. The plans submitted for building permits shall conform substantially to the plans and representations submitted with the application (date stamped March 13, 2020) and as reviewed and approved by the City Council, and as amended by these conditions of approval. The approved plans consist of two, four-story buildings totaling approximately 122,666 square feet on two lots that combine to be a site 0.8 acres in size. The west building would have 2,787 square feet of commercial tenant space that could accommodate five commercial tenants as proposed. The pool and fitness facilities would be in the west building. The east building would have 3,507 square feet of commercial tenant space for six commercial tenants as proposed and 5,754 square feet of conference and meeting space. Both buildings would have outdoor bars on their top floors. The hotel would provide 121 parking spaces divided between each building's two-level subterranean garage. Each building would be served by its own laundry and housekeeping facilities. There will be an improved path between First Street and Water Street adjacent to and parallel to the railroad. This Design Review Permit approves the design and installation of the public art piece titled "You are Here" ("Artwork") in accordance with the plans submitted with the application.

2. Applicant shall replace or pay the in-lieu fee for removing one protected native tree (Coast Live Oak) with a diameter of 36 inches. For each six inches or fraction thereof of the protected native tree, two 15-gallon replacement trees of the same species as the protected tree shall be planted on the Site. As the landscape plan does not include any Coast Live Oak trees, the Applicant must pay the tree replacement in-lieu fee listed in the City of Napa Master Schedule of City Fees, Fines, and Charges prior to issuance of Building Permits.

3. 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.

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

5. Valet queuing shall not occur in the First Street travel lane.

6. Prior to issuance of any demolition permit, grading permit, site improvement permit, or building permit for the Site, the Applicant must obtain a building permit for the relocation of the Local Landmark structures at 731 First Street and 718 Water Street to 58 Randolph Street.

7. Prior to issuance of a Certificate of Occupancy for either hotel building, the Applicant must obtain Certificates of Occupancy for both Local Landmark structures at 58 Randolph Street.

ATTACHMENT 3

8. 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.

9. 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.

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

11. 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.

12. The Lot Merger as delineated on Sheet DR1 of the project plans prepared by RSA+, dated March 12, 2020 shall be recorded prior to issuance of a building permit.

13. The abandonment of portions of the Water Street right-of-way as delineated on Sheet DR1 of the project plans prepared by RSA+, dated March 12, 2020 shall be completed prior to issuance of a building permit.

14. Prior to issuance of a Building Permit, the Applicant shall fulfill all obligations and comply with all requirements regarding the Alternative Equivalent Proposal attached hereto and incorporated herein as Exhibit C (" Alternative Equivalent Proposal") and approved by this Resolution. Prior to issuance of any building permit for the Project, the Applicant shall provide the City with an executed affordable housing agreement consistent with NMC Section 15.94.080 and the Alternative Equivalent Proposal and acceptable to the Community Development Director and approvable as to form by the City Attorney.

15. The Applicant shall obtain a Building Permit from the Building Division prior to installation of the Artwork.

16. Prior to the issuance of a Building Permit for the installation of the Artwork, the owner shall enter into a maintenance agreement with the City to be recorded against the Site, in a form acceptable to the City Attorney, to ensure that proper maintenance is performed as determined by the Community Development Director.

17. Prior to the issuance of a certificate of occupancy for the hotel, the Applicant shall provide the Community Development Director with proof of installation of the Artwork.

ATTACHMENT 3

Upon City's receipt of such proof, the Applicant shall be deemed to have complied with NMC Section 15.108.040C.

18. If the cost of the public art is less than the required public art contribution (as defined in NMC Section 15.108.020) for the Project, the Applicant shall make an in-lieu contribution for the balance of the public art contribution.

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

20. The Applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the Project would achieve a fleet-wide average 84-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines and this equipment shall include CARB-certified Level 3 Diesel Particulate Filters or equivalent. Additionally, equipment that meets U.S. EPA Tier 4 interim standards or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

21. The Applicant shall comply with the following measures to reduce vibration impacts from construction activities:

- a. Avoid impact pile driving where possible. Drilled piers or rammed aggregate piers cause lower vibration levels where geological conditions permit their use.
- b. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.
- c. A list of all heavy construction equipment to be used for this project and anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- d. If pile driving is required, notify neighbors within 500 feet of the construction site of the construction schedule and that there could be noticeable vibration levels resulting from pile driving.
- e. If pile driving is required, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile.
- f. If pile driving is required, jet or partially jet piles into place to minimize the number of impacts required to seat the pile.
- g. A construction vibration monitoring plan shall be implemented to document conditions at all structures located within 50 feet of construction. If pile driving is

used the construction vibration monitoring plan shall document all structures within 125 feet prior to, during, and after pile driving. The plan shall be finalized upon receipt of the final foundation design. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:

- i. Identification of sensitivity to ground-borne vibration of nearby structures. Vibration limits should be applied to all vibration-sensitive structures located within 50 feet of any pile driving activities.
 - ii. Performance of a photo survey, elevation survey, and crack monitoring survey for each of structure of normal construction within 90 feet of pile driving activities and/or within 25 feet of other construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any pile driving activity, in regular interval during pile driving, and after completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
- h. Conduct post-survey on structures where complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.
 - i. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

22. The Project shall be designed so as not to cause significant off-site flooding impacts as defined by NMC Chapter 17.38.

23. Provide a suitable form of forced-air mechanical ventilation, as determined by the Chief Building Official, for all buildings so that windows can be kept closed to control noise.

24. Provide sound rated windows to north, south, and west facing hotel room façades of 711 First Street to maintain interior noise levels at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC Ratings of 26 to 30 or higher would be satisfactory to achieve acceptable interior noise levels, assuming a window to wall ratio of 40 percent or less. The specific determination of what noise insulation treatments are necessary shall be conducted on a room-by-room basis during final design of the project once final building plans are available.

25. The Applicant shall prepare a Soil Management Plan, Health and Safety Plan, and a Human Health Risk Assessment to Construction Workers to ensure contaminants of concern do not pose human health risks to future construction and utility workers and general public.

26. The Applicant shall prepare a GHG Reduction Plan that includes the proper elements to reduce emissions from the project below 660 MT of CO₂e annually. Elements of this plan may include, but would not be limited to, the following:

- a. Installation of solar power systems or other renewable electric generating systems that provide electricity to power on-site equipment and possibly provide excess electric power;
- b. Install efficient space and water heating systems;
- c. Develop and implement a transportation demand management (TDM) program to further reduce mobile GHG emissions.
- d. Construct onsite or fund off-site carbon sequestration projects (such as a forestry or wetlands projects for which inventory and reporting protocols have been adopted). If the project develops an off-site project, it must be registered with the Climate Action Reserve or otherwise approved by the BAAQMD in order to be used to offset Project emissions;
- e. Purchase of carbon credits to offset Project annual emissions. Carbon offset credits must be verified and registered with The Climate Registry, the Climate Action Reserve, or another source approved by the California Air Resources Board or BAAQMD. The preference for offset carbon credit purchases include those that can be achieved as follows: 1) within the City; 2) within the San Francisco Bay Area Air Basin; 3) within the State of California; then 4) elsewhere in the United States. Provisions of evidence of payments, and funding of an escrow-type account or endowment fund would be overseen by the City.

27. Consistent with Downtown Napa Specific Plan EIR Mitigation Measure 4.D-2a, an archaeological literature search was completed and found the project site is highly sensitive for archaeological resources. A program of subsurface exploration to sample the historically sensitive areas and the deeper native soils that could contain remnant archaeological resources shall be completed by a qualified archaeologist immediately following building demolition and prior to Project grading. In the event archaeological materials are discovered, the resources will be assessed consistent with Downtown Napa Specific Plan EIR Mitigation Measure Mitigation Measure 4.D-2b.

28. 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 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.

29. The Applicant shall comply with all mitigation measures from the Downtown Napa Specific Plan Environmental Impact Report Mitigation Monitoring and Reporting Program attached hereto as Exhibit "A" and incorporated herein by reference that are applicable to this Project as determined by the Community Development Director.

30. The Applicant shall obtain a sign permit for all project signage. Temporary signs may be permitted in accordance with NMC Section 17.55.120.

31. 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 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 April 7, 2020, attached hereto and incorporated herein as "Exhibit B".

BUILDING DIVISION:

32. Verification of the following shall be required prior to Building permit issuance if applicable:

- a. City of Napa Water Connection fee, (707) 257-9521.
- b. Napa Sanitation District approval, (707) 258-6000.
- c. Napa Valley Unified School District (must show proof of payment from NVUSD), (707) 253-3549.
- d. Public Works Encroachment and or Grading permit may be required, (707) 257-9520.
- e. Napa County Environmental Health Department approval may be required for this project, (707) 252-6052.
- f. Bay Area Air Quality Management District approval may be required for this project if any buildings are required to be demolished. Note: An approval letter from BAAQMD would be required prior to permit issuance, (707) 749-4762.

33. As a condition of this Planning approval and prior to Building permit issuance, the Applicant shall provide to the Building Division the following at time of Building Permit application: Note: The list below may not be a complete list.

- a. A completed Building Permit application.
- b. 7 complete sets of plans for review and approval.
- c. Building, Planning and Fire Prevention plan review fees are due at time of building permit application, all other building permit, Public Works plan review, and all impact fees are due at time of building permit issuance.
- d. Energy Compliance documentation for review and approval.
- e. Waste Reduction and Recycling Program form for review and approval.
- f. A Geotechnical Soils investigation report may be required for this project.

- g. Fire sprinklers may be required for this project. Note: When fire sprinklers and/or fire alarm systems are required, plans shall be submitted under separate cover.

PUBLIC WORKS DEPARTMENT:

34. Prior to issuance of a building permit, the Applicant shall (1) provide evidence to the Public Works Director that a Final Parcel Map has been recorded for the 58 Randolph Street and (2) comply with the conditions of approval in Resolution PC 2018-31.

35. Prior to issuance of a building permit, the Applicant shall obtain a transportation permit from the City of Napa Public Works Department to transport the historic structures at 718 Water Street and 731 First Street to 58 Randolph Street.

36. Approval of this Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the NMC, the City of Napa Standard Specifications and Standard Plans (dated October 2018), including any supplemental updates thereto, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards".

37. The Applicant shall construct all on and offsite improvements in accordance with improvement plans and supporting calculations that are prepared by a registered civil engineer and reviewed and approved by the City of Napa Public Works Department (PW) Development Engineering Division. The improvement plans shall be prepared in conformance with the plans prepared by Backen Gillam Architects dated March 9, 2020 and RSA+ Civil Drawings dated March 12, 2020 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, paving, and striping. The Improvement Plans and calculations must be approved by the City Engineer prior to the issuance of the Building Permit.

38. 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.

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

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

- a. First Street:

ATTACHMENT 3

- (1) First Street shall be signed for no parking using the City of Napa custom “No Parking/Bike Lane” signs.
- (2) The Project’s parking garage driveway on First Street (Parcel 1) shall be designed for right-in/right-out turning movements only. The Applicant shall be required to construct transportation design features to prohibit left-turn movements at this location. These features may include but are not limited to signage, hard center median, etc. and are subject to the review and approval of the Public Works Director.
- (3) Applicant shall resurface, at a minimum, the entire Project frontage along First Street for both parcels from lip of gutter to lip of gutter and extend far enough past the east property line of Parcel 2 to cover any trenching and utility connections and provide smooth conforms. The resurface limits shall be determined and approved by the Development Engineering Division.
- (4) Applicant shall design and reconstruct all the frontage improvements (curb, gutter, sidewalk, streetlights, street trees, signage, etc.) along the entire Project frontage of both Parcel 1 and Parcel 2. Sidewalk shall be a minimum of 10-feet wide except where the parking bulb-in is allowed, and a portion of the sidewalk will be located on private property (on-site public access easement will be required) to accommodate the minimum 10-foot width. Frontage improvements shall match the finishes of the existing improvements and shall conform to the adjacent street improvements.
- (5) The existing driveway approach serving Parcel 2 shall be removed and replaced with standard curb, gutter and sidewalk. New curb, gutter, and sidewalk finishes shall match those of the surrounding area and shall conform to the adjacent street improvements.
- (6) Applicant shall replace all the existing street signs along the Project frontage.
- (7) Applicant shall restripe between Soscol Avenue and McKinstry Street and restriping shall include an eastbound bike lane, an eastbound vehicular travel lane, a westbound vehicular travel lane, and a westbound bike lane. Additionally, restriping on First Street shall include center line striping, railroad markings, bike lane transitions, as well as, one left-turn lane and one shared through/right lane at the westbound approach to the Soscol Avenue/First Street intersection. Final striping layout design is subject to the review and approval of the Public Works Director.
- (8) The four (4) on-street parking spaces located in the parking bulb-in on First Street adjacent to the north property line of Parcel 2 shall be marked and signed for passenger loading only.
- (9) The parking garage driveway on First Street may be considered for a design exception to the vision triangle requirements specified in City of Napa Public Works Standard Specification Drawing S-25 if a design exception request letter is submitted and additional safety enhancements (signage, etc.) are included at the driveway approach. A Design exception request is subject to the review and approval of the Public Works Director.

- (10) Applicant shall construct a public path between First Street and Water Street adjacent to Parcel 2 and the railroad tracks that provides for a minimum of 12-foot clear space or the minimum width required by the Napa County Flood Control and Water Conservation District for maintenance access. A public access easement shall be dedicated to the City for the entirety of the public pathway.
- b. McKinstry/Water Streets Intersection:
 - (1) Applicant shall modify the existing intersection at Water Street and McKinstry Street to accommodate the privatization of a portion of Water Street.
 - (2) The private street connection of Water Street to the public McKinstry Street shall be constructed per City of Napa Public Works Standard Drawing S-5B (Standard Driveway Approach – with Curb ramps).
 - (3) Applicant shall construct ADA curb ramps at the northwest and southwest corners of Water Street and McKinstry Street intersection.
 - (4) Applicant shall install stop control on the Eastbound direction approach of the abandoned Water Street and McKinstry Street intersection. Stop control shall include Stop Signs (R1-1), stop legend markings, and stop bar markings per CA MUTCD.
 - (5) Applicant shall construct an ADA accessible sidewalk connection along the south side of Water Street that connects McKinstry Street to the public pathway adjacent to the railroad tracks and Parcel 2. A public access easement shall be dedicated for the entirety of this sidewalk.
- c. Applicant shall prepare an exhibit showing all the easements that are going to be abandoned and reserved as part of the abandonment of the existing Water Street. The Applicant shall show on the Improvement Plans the reserved easements and any new easements required to construct the Project.
- d. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the City of Napa Standard Specifications and Standard Plans on the Project's public street frontage. Street improvements shall include curbs, gutter, standard sidewalk, street paving, streetlights, 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.
- e. Any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City prior to improvement plan approval.
- f. The Applicant shall provide red curb within 20 feet of the curb return at street intersections.
- g. All existing 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.

- h. The existing driveway approaches, which will no longer be used to access the Site, shall be removed and replaced with standard curb, gutter, and sidewalk.
- i. All public street(s) pavement structural section installations shall be per Table 3.1, "Street Design Criteria," of the City of Napa Standard Specifications and Standard Plans or per the Project's geotechnical report(s) recommendations, whichever is larger. First Street's functional classification is an arterial.
- j. To maintain adequate sight visibility at public street access 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.
- 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 Applicant shall provide bicycle parking in accordance with NMC Section 17.54.060.
- m. The Applicant shall provide truck loading in accordance with NMC Section 17.54.050. Truck turning movements (both entering and exiting the public street and loading zones) shall be provided on the Improvement Plans.
- n. The improvement plans shall include an Erosion Control Plan.
- o. The improvement plans shall include a Joint Trench Plan.
- p. The improvement plans shall include a Construction Traffic Control Plan.
- q. The improvement plans shall include a Grading and Drainage Plan.
- r. The improvement plans shall include a Utility Plan showing all the existing and proposed utilities including overhead and underground utilities.
- s. The improvement plans shall include all the existing easements (utilities, slopes, Napa County Flood Control, drainage, etc.).
- t. 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, and utilities (water, sanitary 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 plans show multiple dry and wet utility connections within the City of Napa right-of-way along First Street that will require deep trenches (based on Napa County Flood Control as built information) and extensive street restoration. 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 a full 2-inch deep grind for the entire area and a 2-inch asphalt concrete overlay placed. 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 sidewalks that are damaged by the construction process (even if these are in adjacent properties frontage) 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.
- u. 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, with the first improvement plan submittal, 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.
 - v. The Applicant shall underground all new utilities to serve the Project from the existing point of connection to the Project. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the Project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The Applicant shall relocate or underground any overhead utilities that conflict with the new improvements.
 - w. The proposed stairs and appurtenant railing between the public street sidewalk and landing along the north side of the building in Parcel 2 shall not encroach into the public street right-of-way.

41. 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, curb adjacent sidewalk, street paving, ADA curb ramps, and drainage facilities shall be installed along the private Water Street frontage.

- b. All curb frontage intended for no parking shall be painted red and posted with signs (R26F - No Stopping Fire Lane).
- c. The Applicant shall pave all required onsite parking areas and drive aisles thereto in conformance with the minimum City of Napa standard structural section standard (equivalent to a minimum 3 inches of Asphalt Concrete over 10 inches of Class II aggregate Base material) and the Project's geotechnical reports recommendations, whichever is larger.
- d. The private Water Street shall be clearly distinguishable from the public street. To accomplish this, a 10-foot wide decorative stamped concrete strip shall be installed on the private street along the right of way line at the McKinstry/Water Street intersection entrance.

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

- a. All existing storm drains, drainage inlets, storm drain manholes, etc. shall be shown in the plans along with all the relevant information describing each item such as inverts, sizes, slopes, etc.
- b. On-site 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. This Project shall provide on-site detention such that the post-Project runoff does not exceed pre-developed flow rate for the 10-year storm event in accordance with local Floodplain Management regulations and NPDES Permit requirements. As an alternative to this prescriptive requirement, the Applicant may provide a flood study prepared by a Certified Floodplain Manager (CFM) demonstrating that it would be more advantageous to direct discharge into the Napa River due to its adjacency than to detain it in accordance with the City of Napa Standards. The flood study will be subject to review and approval by regulatory agencies and the Public Works Department.
- c. Per City of Napa Standards Plans and Specifications, any storm drainpipes within the City of Napa right-of-way shall be a minimum of 18-inches in diameter.
- d. Applicant shall remove the existing drainage catch basin located at the northeast corner of Parcel 1 ("Existing Drainage Catch Basin").
- e. On plan sheet DR5, on the northeast corner of Parcel 1 the plans show a new storm drain pipe 16-feet long and 15-inches in diameter being installed from Existing Drainage Catch Basin. The Applicant shall remove this new pipe and direct the surface stormwater runoff to the proposed drainage catch basin located west of the Existing Drainage Catch Basin.
- f. The EX 18" SD TO REMAIN shown on plan sheet DR5 in front of Parcel 1 shall be removed and a new 18-inch RCP pipe shall be installed from the existing SDMH to the proposed drainage CB.

ATTACHMENT 3

- g. The EX 15" SD shown on plan sheet DR5 in front of Parcel 1 between the proposed REMOVE EX CB and the new proposed drainage CB shall be removed unless approved by the Public Works Director to be abandoned in place.
- h. Any EX SD TO BE ABANDONED shown on plan sheet DR5 shall be removed unless approved by the Public Works Director to be abandoned in place.
- i. The plans show proposed storm drain lines for both Parcel 1 and Parcel 2 connecting to existing storm drain lines and existing 12" storm drain outfalls. If any work is to be performed at the outfall or if the outfall needs to be replaced, the Applicant shall obtain all the required regulatory agency permits (Regional Water Quality Control Board, USACE permits, etc.), needed to complete the work.
- j. Lot grading and drainage system improvements shall be installed by the Applicant as part of the improvements. Constructed lot pad elevations shall not deviate more than 0.5 feet from the pad elevations shown on the Improvement Plans.
- k. The grading plans provided by the Applicant for review shall include the existing topography shown with contour line labeled at one-foot intervals and extending a minimum of 100-feet beyond the limits of the Site, or a sufficient distance to indicate impacts on adjacent properties.
- l. The grading and drainage plan shall include a design that allows for a 100-year overland release with all finish floor and garage slab elevations a minimum of one foot above the 100-year overland release elevation.
- m. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe.
- n. 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.
- o. 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.
- p. Applicant shall follow and comply with NMC Chapter 8.36 Stormwater Quality Ordinance.
- q. 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.
- r. The roof drainage and downspouts from the building shall not be allowed to discharge into the adjacent properties, and the gutter downspouts and drainage need to be directed away from the adjacent property lines.

- s. The drainage from the parking pits shall not be allowed to discharge into the storm drain system. Parking pit drainage shall be discharged into the sanitary sewer system.
- t. 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.
 - (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 State 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.
- u. 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"

ATTACHMENT 3

- (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.
 - (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 3-12-2020.
- v. 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-feet) per second when flowing half full.
- w. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
- x. 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 as to substance and the City Attorney as to form and recorded prior to occupancy.

- y. 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.
- z. 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.
- aa. The property owner shall enter into a long term maintenance agreement with the City of Napa approved both as to form and substance by the City Attorney and City Engineer for long term maintenance, financing and monitoring for the post construction storm water best management practices that are incorporated as part of the project and as called out in the Approved Stormwater Control Plan.
 - (1) The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
 - (2) The agreement shall be recorded prior to approval of the Improvement Plans. The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Napa shall either be a signatory to the agreement or a third-party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney's fees for legal counsel to enforce such obligations.
 - (3) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
 - (4) Appropriate easements or other arrangements satisfactory to the City Engineer and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.

- (5) All development projects must be planned, designed and constructed consistent with the post construction standards in the city's NPDES permit and in accordance with the post construction storm water management requirements established by the city, including but not limited to, the current version of the Bay Area Stormwater Management Agencies Association Post-Construction Manual or an updated version of that manual or other post-construction storm water management standards as adopted by Council resolution.
- (6) The owner of the real property shall provide a written document, deed, agreement or similar writing acceptable to the Director, obligating the project proponent, their successors in control of the project and successors in fee title to the underlying real property (or premises), to assume responsibility for the operation and maintenance of all installed treatment systems and hydromodification controls, if any, for the project.
- (7) The owner or operator of any installed treatment system or hydromodification control shall provide the Director with information and physical access necessary to assess compliance with this chapter, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council.

39. 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 Project 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 Standard Specifications and Standard Plans.

- 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.

40. 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 Site and adjacent parcel(s).
- b. The existing water main(s) and applicable tie-in locations, details, etc.
- c. The abandonment of any existing unused water service(s).
- d. Installation of a single water service for each lot with approved backflow devices. Each water service shall be connected to a city water main and cannot be installed as a manifolded service.
- e. Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations.
- f. Installation of a sufficient number of water main valves as directed by City of Napa Water Division at City-approved locations.
- g. Installation of a sufficient number of water quality monitoring/sampling stations at City-approved locations.
- h. The size and location of all proposed water services (residential, fire, irrigation, etc.) and tie-in locations, details, surrounding utilities, etc.
- i. If the Water Street right-of-way is abandoned, the public waterline within Water Street shall be converted to a private waterline.

ATTACHMENT 3

- j. Relocation of any affected water pipelines, facilities and their appurtenances (including but not limited to the private water services affected by the privatization of the Water Street waterline).
- k. The size and location of appropriately sized water services with backflow devices (applicant must install backflow device(s) if one does not exist), with tie-in locations, surrounding utilities, etc.
- l. Designate applicable on-site fire hydrants as private.
- m. A combined fixture count worksheet for all tenant spaces to ensure existing water service size meets proposed demands. Undersize services are not allowed.
- n. Identify and record all private water easement(s) necessary to extend private service(s) behind the public water meter to the property served.
- o. Contact the City of Napa Fire Department to determine fire sprinkler requirements.

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

- a. The Applicant shall connect the Project to the Napa Sanitation District for sanitary sewer service. Sewer services shall be shown on the improvement plans and shall be installed in accordance with Napa Sanitation District standards and reviewed and approved by the Napa Sanitation District.
- b. The Site is located in parcels that are within 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 Measure A parcels. As such the requirements of the NMC Chapter 17.38 Floodplain Management apply to all new construction within the Special Flood Hazard Area and NMC Section 17.52.300 requirements apply to all parcels designated as Measure A Parcels. These include but are not limited to:
 - (1) A note shall be included in the plans stating that "This project 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 January 22, 2019. Project is also in Measure A parcels."
 - (2) The Project site plans shall show the floodplain limits and indicate the 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 NAD88 datum and shall be noted on the Improvement Plans.
 - (3) All new construction or substantial improvements shall be floodproof to a minimum of one foot above the BFE per FEMA Technical Bulletin 7-93 and shall be noted on the Improvement Plans.

ATTACHMENT 3

- (4) Indicate on the Improvement Plans water resistant materials for all construction below BFE plus one foot per FEMA Technical Bulletin 2-93.
 - (5) All new and replaced service facilities such as electrical, heating, ventilation, plumbing and air conditioning, sanitary sewage systems, and other service facilities shall be located a minimum of one foot above BFE or designed to be flood proofed/watertight to one foot above BFE as per FEMA Technical Bulletin 3-93. Improvement Plans shall provide details on how utilities will comply with this requirement.
 - (6) Elevator and elevator equipment shall be designed and installed per the latest FEMA NFIP Technical Bulletin "Elevator Installation" guidelines.
 - (7) 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 NAD88 datum and the current FEMA FIS and FIRM prepared for the City of Napa.
 - (8) The Applicant shall either floodproof the buildings or the lowest floor, including basement, shall be elevated to at least one foot above the base flood elevation. Any proposed floodproofing shall be reviewed and approved by the CDD Building Division and the Public Works Department prior to improvement plan approval.
 - (9) All new and existing sanitary sewer manholes that are within the floodplain limits shall be floodproof.
 - (10) A floodproofing certificate must be submitted for the design with the first Building Permit Plan submittal. A floodproofing certificate can be obtained from the FEMA website at <https://www.fema.gov/media-library/assets/documents/2748>. Upon Project completion, the Floodproofing Certificate shall be certified, and an elevation certificate will be required on finished construction prior to the building's final sign off.
 - (11) Projects in Measure A parcels require approval from the Napa County Flood Control and Water Conservation District (NCFCWCD). The Applicant shall submit an approval letter from the NCFCWCD with the first Improvement Plan submittal.
- c. As designed and shown on the RSA+ plans, the Project impacts several adjacent properties. The Applicant shall provide details for each affected property describing how their existing improvements (fences, retaining walls, concrete curb, concrete gutter, DIs, etc.) are going to be impacted by the Project and how those impacts will be mitigated.
 - d. The Applicant is proposing to act as a "self-hauler" for solid waste, recyclable materials, and compostables. If Applicant acts as a "self-hauler", the business must consolidate solid waste (and separate each of the recyclable, compostable, and landfill material streams) and transport it with its own employees and in its

own vehicles to fully permitted disposal or recycling/composting facilities, with no payment to another third party per NMC Section 5.60.110. The Materials Diversion Division will have no obligation to collect waste generated by the Project. Under Assembly Bill 341 Mandatory Commercial Recycling Regulation, businesses are required to source-separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials. To keep organic waste out of landfills, Assembly Bill 1826 (Mandatory Commercial Organics Recycling) requires businesses that generate organic waste materials (which include food waste, green waste, landscape and pruning waste, clean wood waste and food soiled paper) to site-separate the material for composting.

- e. As a “self-hauler”, the Applicant must abide by City codes summarized here and including but not limited to:
 - (1) All three streams of materials; solid waste, recyclables and organics must be source-separated and placed in approved containers (AB341, NMC Section 5.60.050, AB1826);
 - (2) All containers shall be watertight and must be suitably packed to ensure that there is no spillage (NMC Sections 5.60.050 and 5.60.130);
 - (3) All containers shall be maintained on premises in a space large enough to accommodate all three separate streams and must be easily accessible for servicing (NMC Section 5.60.060, AB341, AB1826);
 - (4) Garbage enclosure/room shall be kept clean and sanitary at all times and will not be a public nuisance or otherwise offensive. All containers shall be provided and maintained on the premises where the garbage, including trash, is produced in a place easily accessible to the contractor but where it will not be a public nuisance or otherwise offensive. (NMC Section 5.60.110);
 - (5) Solid waste, recyclables and organic material must be collected and transported for disposition, and must be disposed of, at a dump, transfer station or recycling facility which is appropriately permitted or authorized under applicable health and safety laws and regulations (NMC Section 5.60.130, AB341, AB1826);
 - (6) All solid waste must be removed within 7 days or more frequent if deemed necessary in the interest of public health and safety. Frequency of garbage removal shall follow the NMC Section 5.60.200, Napa County Code 8.52.050, and Title 14 of the California Code of Regulations;
 - (7) Self-hauler must keep records for auditing and inspection (Title 14 of the California Code of Regulations, NMC 5.60.030);
 - (8) The Applicant shall comply with AB 341 “Mandatory Commercial Recycling Regulation”;

ATTACHMENT 3

- (9) The Applicant shall comply with AB1826 "Mandatory Commercial Organics Recycling";
- (10) The Applicant shall comply with AB901 "Recycling and Disposal Facility Reporting".
- f. To act as a "self-hauler" the Applicant shall submit a Waste Management Plan for review and approval by the Materials Diversion Division. The Waste Management Plan shall include at least the following information:
 - (1) Location and dimensions of waste enclosure area (dimension of interior and exterior of enclosure);
 - (2) Diagram showing the waste collection containers with dimensions shown (carts, bins, compactors, balers, roll-off boxes etc.);
 - (3) Description and dimensions of vehicles used for transport of waste;
 - (4) Truck-turning templates for the vehicles planned for transport of waste to the waste enclosure area;
 - (5) Information on the estimated amount of waste generated for all streams (municipal solid waste, recyclables, food scraps and soiled paper, cooking oil, yard trimmings, etc.) and the anticipated frequency of transport of each waste stream;
 - (6) The name and location of the facility the waste streams will be transported to including a letter from the waste facility that states they will accept the waste generated by the Project; and
 - (7) The types of containers including sizes that each waste stream will be stored in on-site.
- g. It is the Materials Diversion Division's preference, that the Applicant contract for service with the City of Napa's authorized contractor for trash, recycling, and compostables collection. If Applicant does not desire to act as a "self-hauler" or cannot abide by City codes to act as a "self-hauler," the following conditions apply which may involve modification to either planned or existing infrastructure to accommodate access by the City's authorized contractor:
 - (1) The Applicant shall provide adequate, accessible, and convenient areas for the collection and loading of all waste streams. Collection and loading areas shall contain adequate area to accommodate all waste streams generated by the Project. All service locations and/or enclosures shall be accessible by collection vehicles. The Utilities Director shall approve the design and location of each collection and loading area.
 - (2) The Applicant shall indicate the storage location and quantity of the solid waste/recycling/compost carts/bins on the plan set; trash enclosures onsite shall comply with the City's Solid Waste, Recyclable Materials and Compostables Enclosures Standards.

ATTACHMENT 3

- (3) Where applicable, the Applicant shall provide one or more trash enclosures (decorative masonry or equivalent) where required by the Development Plan or Design Guidelines, the design of which shall be compatible with the architecture of the Project and the City's Solid Waste, Recyclable Materials and Compostables Enclosures Standards. The Utilities Director shall approve the design and location of each enclosure.
- h. The Project is subject to NMC Chapter 15.32 which requires projects that exceed \$100,000 in building permit valuation; or (b) exceed 5,000 sq.ft. of new, improved, or remodeled areas; to file a Waste Reduction and Recycling Plan (WRRP) with the building permit application. 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 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 Official prior to the approval of a Certificate of Occupancy. Sign-off from Materials Diversion for a certificate of occupancy shall not occur until the weight tag documentation is approved.
- i. Any projections of building appurtenances into public easements, such as building structure, trellis, canopies, awnings shall require approval of the Public Works Director and/or the Community Development Director prior to improvement plan approval. Napa Municipal Code Section 17.52.370.
- j. The Applicant shall install all new utilities required to serve the Project underground including but not limited to water, sewer, electricity, gas, telecommunications, etc.
- k. The Applicant is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the Project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The Applicant shall relocate and underground any overhead utilities that conflict with the new improvements.

42. PRIOR TO APPROVAL OF IMPROVEMENT PLANS - The Applicant shall submit documentation to the Public Works Development Engineering Division for review and approval that indicates that the following items have been addressed:

- a. The Applicant shall submit all required water connection fees to the Public Works Department - Development Engineering Division at 1600 First Street, Napa CA. 94559.
- b. The Applicant shall pay off all current account balances based on the rate in effect at the time of the permit issuance.
- c. Complete the lot merger processes between the properties encumbered by this Project for both Parcel 1 and Parcel 2.

ATTACHMENT 3

- (1) Furnish proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
- d. The Applicant shall pay a \$5,000 deposit and a minimum monthly balance of \$1,500 for inspection fees for Public Improvements.
- e. Any entry onto neighboring properties to perform work for the Project 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 approved as to substance by 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. Any modifications to any of the existing retaining walls or handrails within City of Napa right-of-way, located along the Parcel 2 frontage shall be approved by the City of Napa Public Works Director.
- i. The Applicant shall furnish proof satisfactory in substance to the Public Works Director and in form to the City Attorney that the existing slope easement) (or portions thereof) adjacent to First Street and Soscol Avenue that encroach into the proposed building(s) footprint subject to construction of foundation retaining walls has been quitclaimed to the Applicant by the Napa County Flood Control and Water Conservation District.
- j. The Applicant shall submit to the Public Works Department Development Engineering Division a Soils Investigation/Geotechnical Report in accordance with NMC Section 16.36.200 with the first improvement plan submittal. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to improvement plan approval. The geotechnical engineer shall also assume responsibility for inspection of the work and prior to acceptance of the work shall certify to the City that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of building plans in accordance with NMC Title 15.
- k. Establish and record Conditions, Covenants, & Restrictions (CC&R) that are satisfactory to the City Engineer to provide long-term maintenance of the Private Improvements identified above.
- l. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
- m. A State Department Fish and Game 1601 Streambed Alteration Agreement, a Regional Water Quality Control Board 401 permit, and/or a Corps of Engineer 404 permit may be required for work done on rivers, creeks, and other waterways.

ATTACHMENT 3

The Applicant shall provide copies of these agreement or permits to the Public Works Department Development Engineering Division prior to approval of the Improvement Plans.

43. 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.
- c. The Applicant shall have obtained approval of the Improvement Plans from the Public Works Development Engineering Division.

44. 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 substance to the Public Works Director and in form to the City Attorney of the acquisition of all rights of entry, permits, easements, or other property interests, necessary to construct the Project or to satisfy required Project mitigation measures and/or conditions prior to issuance of a building permit.
- b. The Applicant shall furnish proof satisfactory in substance to the Public Works Director and in form to the City Attorney that the Applicant has acquired the 12' portion of Lawrence Street along the train tracks from the Napa County Flood Control and Water Conservation District.
- c. Submit any remaining water fees to the City of Napa Utilities Department - Water Division at 1700 Second Street, Suite 100, Napa, 94559.
- d. 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

ATTACHMENT 3

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.

- e. The Applicant shall pay Street Improvement Fees in accordance with the Master Schedule of City Fees, Fines and Charges effective January 2020 as may be amended. The current rates for the Street Improvement Fee for this Project are as follows:

	Land Use	Unit	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Hotel	68*	\$1,787/room	\$119/room	\$121,516	\$8,092
	Moderate Service Commercial	6.294	\$4,109/KSF	\$273/KSF	\$25,862	\$1,718
Existing Use (credit)	Single Family Detached Housing		\$2,465/DU	\$2,258/DU	(\$2,465)	(\$2,258)
	Moderate Service Commercial		\$4,109/KSF	\$273/KSF	(\$5,149)	(\$342)
					\$139,764	\$7,210

*Note: Current design is for a 68-room hotel, but allowance for up to 74 rooms is being requested. If additional hotel rooms are constructed, the Applicant shall pay the Street Component and the Utility Underground Component of the Street Improvement Fee at the rate in effect at the issuance of building permit for each additional hotel room.

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

45. 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. The Applicant shall comply with the conditions of the abandonment of Water Street set forth in the City Council resolution approving the abandonment of a portion of Water Street.
- b. Construct all the improvements (public and private) for Parcel 1 and Parcel 2 as shown on the Improvement Plans.
- c. Construct a public path between First Street and Water Street adjacent to Parcel 2 and the railroad tracks that provides for a minimum of 12-feet clear space or the minimum width required by the Napa County Flood Control and Water Conservation District for their maintenance access, whichever is greater. A public

access easement shall be dedicated to the City for the entirety of the public pathway.

- d. Construct an ADA accessible sidewalk connection along the south side of Water Street (private Water Street) that connects McKinstry Street to the public pathway adjacent to the railroad tracks and Parcel 2. A public access easement shall be dedicated to the City for the entirety of this sidewalk.
- e. 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.
- f. 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 Utilities Department - Water Division. The test results shall be submitted by the Applicant to the Utilities Department - Water Division.
- g. Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats.
- h. 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.
- i. Submit any remaining meter set and/or hot-tap fees to the Utilities Department - Water Division at 1700 Second Street, Suite 100, Napa, 94559.
- j. The Applicant shall provide the Water Division with written documentation identifying all water meter boxes with the appropriate street address (Note: applies to water meters installed in groups of two or more – addresses to be provided by the City of Napa), APN of the parcel, building connections, points of service, and the new water service account numbers specific to the addresses and/or parcels being served.
- k. The improvements identified on the Public Street Repair Plan shall be completed.
- l. All road surfaces shall be restored to pre-Project conditions after completion of any Project-related pipeline/utility installation activities.
- m. The Applicant shall replace any damaged curb and gutter along street frontages in accordance with the City of Napa Standard Specifications and Standard Plans prior to occupancy.
- n. All onsite and offsite improvements shall be installed to the satisfaction of the City Engineer prior to occupancy.
- o. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- p. 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.

ATTACHMENT 3

- q. 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.
- r. The Applicant shall complete the Final Stormwater Inspection Sign Off form as specified in the Stormwater Control Plan and include the contractors and engineer of records signature verifying all post-construction BMPs have been installed and inspected as designed per the approved plans. A copy of the form may be requested from the Public Works Development Engineering Division – Stormwater Program.
- s. Identify all on-site post-construction stormwater quality BMPs and along the Project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.
- t. Prior to Final Stormwater Sign off, all disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the Site.
- u. The Applicant shall complete, certify, and submit the Floodproofing Certificate, submitted with the first Improvement Plan submittal, to the Public Works Department Development Engineering Division.
- v. The Applicant shall submit the FEMA Elevation Certificate based on Finished Construction.
- w. An approved Flood Emergency Operation Plan and an Inspection and Maintenance Plan shall be required prior to building sign-off.
- x. 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.
- y. 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.
- z. 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:

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. The fire protection equipment shall be installed in accordance with provisions set forth in NMC Chapter 15.04 and the applicable National Fire Protection Association Standard.

55. 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.

56. 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.

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

58. 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.

59. 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.

60. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Vertical traffic calming in the form of speed bumps, humps or dips are prohibited along fire access roads without prior approval of the fire Code Official. The minimum width and clearances established in NMC Chapter 15.04 shall be maintained at all times.

61. 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.

62. 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.

63. 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.

64. 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.

65. 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.

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

CITY GENERAL CONDITIONS:

67. 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.

68. 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).

69. 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.

70. 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.

ATTACHMENT 3

71. 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.

72. 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.

73. 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.

74. 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.

75. Approval of the Use Permit, Design Review Permit and Alternative Equivalent shall not become effective unless and until the City Council approves the requested abandonment of a portion of Water Street.

76. This resolution shall become effective immediately upon adoption.

ATTACHMENT 3

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 17th day of November 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney