

RESOLUTION R2021-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT, DESIGN REVIEW PERMIT AND TENTATIVE SUBDIVISION MAP TO SUBDIVIDE A 5.53 ACRE PROJECT SITE INTO 6 RESIDENTIAL LOTS, GENERALLY LOCATED AT THE EASTERN TERMINUS OF CAYETANO DRIVE AND THE NORTHERN TERMINUS OF MOLINA STREET, AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, on May 18, 2018, Ronald and Susan Modrall (the Applicants") submitted an application (File No. PL18-0079) for a Use Permit for increased density on a parcel within the Hillside Overlay District pursuant to Napa Municipal Code ("NMC") Chapter 17.60 and NMC Section 17.40.030.H ("Use Permit"), a Design Review Permit for the proposed Tentative Map and house plans pursuant to NMC Chapter 17.62 ("Design Review Permit"), and a Tentative Subdivision Map pursuant to NMC 16.20 ("Tentative Subdivision Map") to divide the property at 45 Los Robles Drive (APN: 046-180-009) ("Site") into 6 residential lots, one of which will maintain an existing home (collectively, the "Project") and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on March 18, 2021 and has recommended approval of the subject application; and

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

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

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 that the potential environmental effects of the Project were adequately analyzed by the Modrall Subdivision Mitigated Negative Declaration that was adopted on January 8, 2008 in conjunction with the approval of the Modrall Tentative Subdivision Map (PL06-0119) by Resolution R2008 14, pursuant to CEQA Guidelines Section 15162.

ATTACHMENT 1

Section 3. The City Council hereby approves the Use Permit for increased density in the Hillside Overlay 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 proposed development is consistent with the SFR-183 Single Family Residential General Plan designation within the Hillside Overlay District which in accordance with the slope analysis provides for residential development at densities of 4 to 9 units for the Site, and the development standards of the RS-20:HS, Single Family Residential: Hillside Overlay District.

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 Negative Declaration for the original Modrall Subdivision (Resolution R2008-14) did not identify any impacts to adjoining properties which would be detrimental to the public health, safety and welfare. This Project which is the same as the previously approved project would not introduce any new components that would be detrimental to the public health, safety and welfare.

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

The proposed development is consistent with the RS-20:HS, Residential: Hillside Overlay zoning of the Site and the district's development standards.

The proposed hillside development project is consistent with the purpose of Title 17, the :HS district standards and hillside development guidelines adopted separately by resolution.

The home sites have been designed to conform to the natural grade to minimize grading. No alternative development standards are required for the Project as it was carefully designed to minimize impacts to the Site's natural environment. The Project effectively minimizes grading by locating the access road and house development in areas with the lowest slopes and avoiding the steeper slopes to the extent feasible. All future dwellings will use a down-slope design that follows the contours of the Site, thereby reducing the need for more extensive grading. All of these design features render the Project consistent with the Hillside Overlay and adopted hillside development guidelines.

Section 4. The City Council hereby approves the Design Review Permit for the design of the Tentative Subdivision Map and makes the following findings in support of the approval:

ATTACHMENT 1

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

The proposed tentative subdivision map improvements and single-family use of the Site are consistent with the Single Family Residential General Plan designation. The new lots meet the 20,000 square foot minimum lot size requirements and can accommodate new dwellings meeting all zoning standards including lot coverage, setbacks and parking. The six lots are consistent with the Single Family Residential General Plan designation and the Hillside Overlay District requirements.

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

The Tentative Subdivision Map design and site layout are consistent with the goals, policies and recommendations outlined within the Residential Design Guidelines. The Project maintains consistent lot orientation and lot sizes that are compatible with the existing neighborhood. The Project is also consistent with the applicable Hillside Design Guidelines and Residential Design Guidelines.

The Design Review Permit is in accord with provisions of Title 17 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 for the Tentative Subdivision Map is consistent with NMC Title 17. As conditioned, the design of the proposed subdivision and future residential uses will 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 Tentative Subdivision Map and makes the following findings in support of the approval:

The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan.

The proposed subdivision, improvements and single-family use of the Site are consistent with the Single Family Residential General Plan designation which allows for residential development with a density between 2 to 5 units an acre. Typically, this would provide for a density range of 11 to 27 units for the 5.5-acre Site. However, the Site is within the Hillside District (HS) which contains its own density limits that supersedes the General Plan density (see Hillside discussion below). As the Project Site contains areas of significant slopes, a slope analysis was required and is included with the Tentative Map. The analysis determined the actual density range for the Project Site to be 4 – 9 units. The proposal for 6 units is appropriate given this analysis.

The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as

ATTACHMENT 1

described in the State Subdivision Map Act and any guidelines promulgated by the Council.

The proposed lot sizes and configuration allow for passive heating and cooling opportunities with building orientation, retention of existing vegetation, and landscaping.

Section 6. The City Council's approval of the Use Permit, Design Review Permit, and Tentative Subdivision Map is subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. The Design Review Permit, Use Permit and Tentative Subdivision Map authorizes the subdivision of the Site into six residential lots. The plans submitted for Final Map shall conform substantially to the plans and representations submitted with the application and as reviewed and approved by the City Council, and as amended by the conditions of approval, (date stamped, received August 22, 2007 with amendments date stamped received February 22, 2019) and marked as Exhibit A - M.

2. This Use Permit, Design Review Permit and Tentative Subdivision Map approval is subject to the mitigation measures in City Council Resolution R2008 14 which was adopted for the Modrall Subdivision (PL06-0119).

3. House plans are not approved by this resolution. All future house plans shall require an Administrative Design Review Permit approval.

4. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District confirming that the Applicant has complied with all Napa Sanitation District requirements applicable to the Project. The Napa Sanitation District has described the applicable requirements in a letter to the Planning Division dated February 6, 2019, attached hereto and incorporated herein as Exhibit A.

5. The City Council delegates to the Planning Manager the determination of "substantial conformance" with the approved plans.

6. All signage for the Project shall be subject to a separate review and approval.

7. All exterior lighting on the Site shall be properly shielded and directed downward to preclude glare conditions that might impact nearby residential uses.

8. Any backflow prevention devices required for the Project shall be screened. Screening shall be included on the final landscape plans. The screening may require a structure if landscaping is not adequate to screen upon project completion.

9. 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

ATTACHMENT 1

Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no startup of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30a.m. nor past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.

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

11. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.

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

PUBLIC WORKS DEPARTMENT — ENGINEERING DIVISION:

13. Approval of this Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Napa Municipal Code, the Public Works Department Standard Specifications and Standard Plans, the most current Manual on Uniform Traffic Control Devices (and its California Supplement), the Caltrans Highway Design Manual, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards".

14. 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 North Bay Civil Engineering & Design dated February 22, 2019 as modified herein by these Conditions of Approval. The improvement plans and supporting calculations shall include detailed designs for all utilities, water, grading, drainage, erosion control, stormwater, and paving. The plans and calculations must be approved by the City Engineer prior to the issuance of the building permit.

15. The improvement plans shall be prepared in accordance with (and submittals shall be accompanied by) the "Initial Submittal Checklist", the "Improvement Plan Checklist", and the "Subdivision Map Checklist". The checklists are available on the City of Napa Website (www.cityofnapa.org) under the Public Works Department Development Engineering Division Forms and Handouts menu. The Applicant shall pay a \$5,000 initial cash deposit for city plan check services.

16. PRIVATE STREET - The following items related to private street shall be shown on the improvement plans prior to approval of the plans:

- a. Los Robles Drive shall be constructed as a private street extending from the current terminus of the public street Molina Street to the current terminus of

- the public street Cayetano Drive. All required frontage and street improvements shall be designed and built in accordance with the NMC and the Public Works Department Standard Specifications. Street improvements shall include a crowned pavement section, curbs, gutters, 6' planter strip, 4' sidewalk (planter strip and sidewalk along the north side of Los Robles Drive only), streetlights (Subject to City Engineer review), driveway approaches (modified to meet ADA standards), drainage facilities and sidewalk barricade.
- b. A proper transition based on AASHTO standards shall be constructed between the existing end of Molina Street (36 feet roadway width) and the new private street Los Robles Drive (proposed 20 feet roadway width). In order to facilitate effective water flow in the gutter, the curb line shall follow smooth curves with no angular points.
 - c. The private street curb frontage intended for no parking shall be designated for no parking as part of a fire lane through use of signs /or red curb marking (Public Works Standard Drawing FP-2A or FP-2B) as determined by the Public Works Department and Fire Department.
 - d. All public and private street pavement structural section installations shall include a minimum of 3 inches of Asphalt Concrete over 10 inches of Class 2 Aggregate Base material for local/private streets. A greater structural section may be required based upon the recommendation of the geotechnical report for the Project. The proposed porous pavement and subdrain concept may be used in private driveways and private street areas, but is not an acceptable public street alternative.
 - e. The improvement plans shall include a Public Street Repair Plan (showing the repair details and limits of repair) for all improvement installations that will result in the cutting, demolition, destruction, etc. of any existing improvements within the public right of way including but not limited to the installation of curb, gutter, sidewalk, utilities (water, sewer, storm drain, electrical, cable TV, telephone, etc.). This plan shall be updated during the construction process as necessary to reflect any unanticipated street repairs. Associated with said plan are the following requirements:
 - (i) The Applicant shall resurface the existing street pavement whenever a street is cut, either by a longitudinal or transverse cut, for utility or other improvement installations. The resurfacing shall extend a sufficient distance beyond any cut to ensure a smooth transition and shall consist of either a 2-inch asphalt concrete overlay, or geotextile material with a minimum 2-inch asphalt concrete overlay, depending upon the extent of the proposed pavement cuts and the condition of the existing pavement section, as determined by the City Engineer. 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.

- (ii) The Applicant shall repair all pavement, curb, gutter and sidewalk that are damaged by the construction process in accordance with the Public Works Department Standard Specifications and Standard Plans.
- (iii) 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.

17. ON-SITE ACCESS AND CIRCULATION - The following items related to on-site access and circulation shall be shown on the improvement plans and the final subdivision map ("Final Map") as noted:

- a. The Applicant shall pave all required on-site 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). A greater structural section may be required based upon the recommendation of the geotechnical report for the Project.
- b. The private street shall be clearly distinguishable from the public street. To accomplish this, a minimum 10-foot wide stamped concrete strip shall be installed on the private street where it connects to the public street right-of-way.
- c. Prior to approval of the Final Map, Applicant shall execute and submit to the Public Works Department Development Engineering Division a shared private access easement and maintenance agreement for Los Robles Drive. The agreement shall grant shared access to all parcels taking access from Los Robles Drive (APN: 046-180-016, 046-180-017, 046-180-008, and 046-180-009) and shall specify maintenance responsibilities for the new Los Robles Drive. The agreement shall be in a form approved by the City Attorney and shall be recorded with the Final Map.

18. NOTES – The following notes shall be shown on the improvement plans prior to approval of the plans. The Applicant and the construction contractor shall satisfy the requirements in the following notes. The Applicant's engineer shall include the following notes on the improvement plans prior to approval of the plan by the Public Works Department Development Engineering Division:

- a. Lot grading and drainage system improvements shall be installed by the Applicant as part of the subdivision map improvements. Constructed lot pad elevations shall not deviate more than 0.5 feet from the pad elevations shown on the amended tentative subdivision map titled "Modrall Tentative Subdivision Map Amendment" as prepared by North Bay Civil Engineering & Design dated February 22, 2019.
- b. 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.
- c. 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.
- d. Private on-site storm drains, outside of City right-of-way, shall be made of SDR- 35 plastic or reinforced concrete pipe.
 - e. 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. The design of all retaining walls with heights greater than four feet (top of wall to bottom of footing) shall be approved by a civil or structural engineer and be shown on the civil improvement plans.
 - f. 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.

19. 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 Development Engineering Division Construction 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 Public Works Department Standard Specifications.
- e. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).
- f. Grading and construction equipment shall be shut down when not in use.
- g. For all construction activity the contractor shall control dust in accordance with

the requirements of the City of Napa Public Works Department Standard Specifications and Standard Plans (Part II — General Provisions — Dust Control); the National Pollution Discharge Elimination System requirements; and the California Department of Transportation Construction Manual (Chapter 4 — Construction Details — Section 10 Dust Control). Use of any City of Napa water for this purpose shall be from a metered source that is approved by the City of Napa Water Division and shall be requested in writing by the Contractor.

- h. During the construction/demolition/renovation period of the Project, the contractor shall use the franchised garbage hauler for the service area in which the project is located to remove all wastes generated during Project development, unless contractor transports Project waste. If the contractor transports the Project's waste, the contractor must use the appropriate landfill for the service area in which the Project is located.
- i. The contractor shall provide for the source separation of wood waste for recycling. The contractor shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the contractor transports such wood waste to a location where wood waste is recycled.

20. **CONSTRUCTION WATER QUALITY MEASURES** - In accordance with the NPDES Construction General Permit, the property owner shall insure that the Applicant and the contractor shall incorporate storm water quality Best Management Practices (BMP's) into the project construction process.

- a. **Project > 1 acre of disturbance:** Provide an Erosion and Sediment Control Plan (ESCP) and/or a State Stormwater Pollution Prevention Plan (project disturbance >1 acre), as required per the States Construction General Permit. A copy of the Stormwater Pollution Prevention Plans (SWPPP) along with waste discharge identification number (WDID) will need to be provided to the Public Works – Stormwater Program prior to grading permits. http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml **PLEASE NOTE:** This 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>
- b. **Projects < 1 acre:** Provide an Erosion and Sediment Control Plan (ESCP) See ESCP template at: <http://www.cityofnapa.org/574/Stormwater-Quality>
- c. The construction BMP's shall be shown on the project Erosion and Sediment Control Plan (ESCP).
- d. 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.

- e. 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.
- f. 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.

21. 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"

- a. Single family home or small projects that are part of a larger planned development may be required to follow the requirements for Regulated Projects based on the nature and extent of the proposed project.
- b. The post-construction BMP's shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).
- c. "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."
- d. "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."
- e. 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."
- f. 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 North Bay Civil Engineering and Design dated February 28, 2019.
- g. Storm Drainage Detention System - The Applicant shall install storm drain detention system improvements as required to maintain post development 10-year, 25-year and 100-year runoff from the site at pre-development levels. The detention system shall be shown on the improvement plans. The Applicant shall install detention system storm drain inlets sized to pass at a minimum the 100- year flows. Detention facilities shall be located entirely on private property (outside of the public rights of way) and shall be privately maintained through the required association. The Applicant shall submit

storm drain detention system supporting calculations for review and approval by Public Works Development Engineering Division prior to improvement plan approval.

- h. The Applicant shall submit storm drain system design calculations that are prepared by a registered civil engineer for review and approval by the Public Works 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, storm water quality treatment and other information necessary to support the proposed design. Storm drains will be sized to carry the flows generated by the design storm per City of Napa Standards. The storm drain system design calculations shall show that the pipes have a self- cleaning minimum velocity of three feet (3') per second when flowing half full. (Design Manual Concrete Pipe, Page 7 and Caltrans Highway Design Manual, Page 830-15).
- i. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
- j. 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.
- k. 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.
 - (i) 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.
 - (ii) 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.
- (iii) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
 - (iv) 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.
 - (v) 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.
 - (vi) 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.
 - (vii) The owner or operator of any installed treatment system or hydromodification control shall provide the Director with information and physical access necessary to assess compliance with this chapter, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council. (O2014-15, 11/18/14).

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

- a. The plans shall show all existing and proposed public water facilities.
- b. All existing unused service(s) shall be abandoned at the City water main.
- c. All new services shall be served off Cayetano Drive with private services/submeters thereafter.
- d. City water mains shall not be installed within private drives. Water meters shall be placed within the public right-of-way with private service laterals installed within a dedicated private easement to each parcel.

- e. All new and existing public water facilities, including but not limited to water meters, backflow devices, service laterals, and fire hydrants, shall be located outside of all driveways and driveway approaches.
- f. Approved backflow prevention devices shall be installed on all new and existing domestic and fire water services.
- g. If a new fire hydrant is required by the Fire Department on a private drive, the new hydrant shall be served by a dedicated fire service with an AWWA approved backflow device installed behind the back of sidewalk. The backflow device shall be serviced and maintained annually by a Homeowner's Association or other designated party.
- h. No signs, retaining walls, fences, trees, foundations, streetlights, or other permanent structures shall be installed within 10 feet of a City water main or water facility, or within a public water utility easement.
- i. Fire hydrants shall be kept a minimum of 5 feet from driveways and approaches.
- j. Proposed separations between public water facilities and other utilities shall meet the required minimum separations as specified by the Department of Health and the City of Napa Public Works Standards and shall be approved by the City of Napa Water Division.
- k. New and existing water facilities shall be potholed at possible conflict locations. All proposed hot taps to an existing City water main shall be labeled "Hot Tap By City Forces at Contractor's Expense".

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

- a. The Applicant shall pay all water connection fees to the Water Division prior to the approval of the improvement plans. No inspections or water service from the Water Division will be initiated until all connection fees for the project have been paid. Fees can be paid at the Water Division office, 1340 Clay Street, in Napa.
- b. The improvement plans shall include a Joint Trench Plan.
- c. The improvement plans shall include an Erosion Control Plan.
- d. Applicant shall provide an erosion and sediment control plan (ESCP) and a schedule for implementation of approved measures to the Public Works 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 control plan is approved.
- e. The improvement plans shall include a Construction Traffic Control Plan.
- f. 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.
- g. The Applicant shall connect the project to the Napa Sanitation District for sanitary sewer service. Sewer service shall show on the improvement plans

and shall be installed in accordance with Napa Sanitation District standards and review and approved by the Napa Sanitation District.

- h. The improvement plans shall show all the existing utilities including overhead and underground utilities.
- i. This project is subject to the requirements in Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc.
- j. Install all new underground utilities required to serve the Project underground from connection point(s) in Molina Street to the service connections for each individual lots. No new utility poles will be allowed.

24. PRIOR TO APPROVAL OF IMPROVEMENT PLANS - Prior to approval of the improvement plans for the project 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. Any work performed on neighboring properties shall be done in accordance with temporary construction easements from the impacted neighbor(s). The easements shall be obtained with copies submitted to the Public Works Development Engineering Division for review prior to the approval of the improvement plans.
- b. 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.
- c. The Applicant shall pay off all current account balances based on the rate in effect at the time of the permit issuance.
- d. The Applicant shall pay an inspection fee for Public Improvements.
- e. The Applicant shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the Project or to satisfy required Project mitigation measures and/or conditions prior to occupancy.
- f. The Applicant shall execute a reciprocal access and maintenance agreement for all parcels, which share use of private access, drives, etc. The agreement shall be in a form subject to review and approval of the Public Works Director and approved as to form by the City Attorney and shall be recorded prior to the approval or the improvement plans.

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

25. FINAL MAP — The Applicant shall submit the project Final Map for review by the Public Works Development Engineering Division and approval by the City Engineer. The form and approval of the Final Map shall meet the following requirements.

- a. Private drainage easements shall be established for the drainage facilities shown on the improvement plans according to the City of Napa Public Works Department Standard Specifications and Standard Plans, Drainage Easements. Easements shall have a minimum width of 15-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 and the Final Map. Public easements shall be offered for dedication on the Final Map and private easements shall be granted by separate instrument.
- b. The Owner of the property shall either record CC&R's or reciprocal maintenance agreement to provide long-term maintenance, financing, and monitoring for all shared private street improvements, private storm drains, and the post construction storm water best management practices that are incorporated as part of the Project improvements.
 - i. The City Engineer and City Attorney must approve the substance and form of the CC&R's and associated documents prior to the approval of the Final Map.
 - ii. The documents shall be recorded contemporaneously with the Final Map.
 - iii. The CC&R's and/or maintenance agreement must provide a detailed outline of responsible parties, inspections, maintenance procedures, the perpetual maintenance and replacement of the improvements, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
 - iv. In addition, the CC&R's and/or maintenance agreement must provide for 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 obligations and secure attorney's fees for legal counsel to enforce such obligations.
- c. 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 conditions prior to Final Map approval.
- d. Prior to approval of the Final Map, the Applicant shall either install all onsite and offsite improvements or work with the Public Works

ATTACHMENT 1

Development Engineering Division to execute the City's Subdivision Improvement Agreement, provide bonds and provide proof of workers compensation insurance and general liability insurance in the forms and amounts as required by the Risk Manager and City Attorney. Typically, one million dollar general liability insurance is required.

- e. Prior to approval of the Final Map, the Applicant shall furnish the Public Works Department Development Engineering Division with proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
- f. If multiple final maps are filed, all required improvements shall be installed with the first final map unless a plan showing the detailed phasing of the multiple final maps and installation of improvements is approved by the Public Works Director prior to approval of the first map.
- g. The Applicant shall obtain approval from all parties owning an interest in any existing rights-of-way or easements within the subdivision, which are proposed to be changed, modified, or deleted. Deeds shall be recorded concurrently with the Final Map to reflect the proposed revision, modification or removal of any existing rights-of-way or easements. The deeds shall be submitted to the Public Works Development Engineering Division and shall be in forms approved by the City Attorney.

26. **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. **STREET IMPROVEMENT FEE** - In accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein the Applicant shall pay the Street Improvement Fee prior to issuance of any building permit for the Project. The fee is required to mitigate the cumulative impact of the traffic generated by the Project on the City's arterial and collector street system. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of development demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this project. Per Master Fee Schedule effective February 1, 2021 (Policy Resolution 16)

b.

	Land Use	Dwelling Unit (DU)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Single Family	5	\$2,465/DU	\$2,258/DU	\$12,325	\$11,290

ATTACHMENT 1

	Detached Housing					
					\$12,325	\$11,290

27. **CERTIFICATE OF OCCUPANCY** - 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 Development Engineering Division:

- a. 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.
- b. The improvements identified on the Public Street Repair Plan shall be completed.
- c. All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.
- d. 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.
- e. Applicant shall replace any damaged curb and gutter along street frontages in accordance with Public Works Department Standard Specifications prior to occupancy.
- f. All on-site and off-site improvements shall be installed to the satisfaction of the City Engineer prior to occupancy.
- g. The Applicant shall submit to the Public Works 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 Development Engineering Division prior to occupancy.
- h. 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."
- i. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- j. 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.

- k. 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.
 - l. 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 Development Engineering Division:
 - v. 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 site grading, drainage, and post-construction bmp's have been installed and inspected as designed per the approved plans. A copy of the form may be requested from the Public Works Development Engineering Division – Stormwater Program.
 - vi. Identify all on-site post-construction stormwater quality bmp's and along the project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.
 - vii. Prior to Final SW Sign off, all disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the Site.
28. Prior to initiation of water service:
- a. The Applicant shall have all backflow devices installed. The Applicant shall have all backflow devices tested by an AWWA certified tester from a list of testers provided by the City of Napa. The test results shall be submitted by the Applicant to the City of Napa Water Division.
 - b. The Applicant shall pay all meter set fees and hot tap fees to the Water Division at the time of installation. Fees shall be paid at the Water Division office, 1340 Clay Street, in Napa.
29. For trenching within existing roadway areas, the Applicant's engineer shall pothole or otherwise physically determine the actual horizontal location and vertical depth of all underground utility systems throughout the proposed area of work and at all utility connection points. The Applicant shall provide all the pothole information and the design of all new utility installations required to serve the Project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.
30. The Applicant shall underground all new utilities to serve the Project from the existing point of connection to the Project in Molina Street. 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. No new utility poles will be allowed without City Engineer approval.

ATTACHMENT 1

31. The Applicant shall obtain a right-of-entry for construction of any improvements not on the Site (APN: 046-180-009).

32. Public street access points and street corners shall be designed to satisfy the City of Napa Visibility and Fencing Standard (Std. Detail S-25). The sight distance and visibility triangle lines shall be shown on the grading and drainage plans. The visibility height limits are measured from the top of curb of the fronting street to the top elevation of the obstruction.

33. Street name signage shall be provided for Los Robles Drive that is in accordance with the City of Napa Public Works Standard Drawing S-18B.

COMMUNITY DEVELOPMENT DEPARTMENT – HOUSING DIVISION

34. In accordance with the Napa Municipal Code Section 15.94.030, the Applicant shall pay the applicable Affordable Housing Impact fee at the rate in effect at the time of issuance of a Building Permit.

FIRE PREVENTION

35. The Applicant shall pay the Fire and Paramedic Impact Fee prior to the issuance of any Building Permits.

36. In recognition of the need to meet additional emergency services generated by the cumulative development created by this Project, the Applicant shall pay the Paramedic and Fire Development fee required by the Napa Municipal Code prior to the issuance of a building permit.

37. Access roads shall be completed with all-weather surfaces prior to combustible construction.

38. All new buildings shall have an automatic fire sprinkler systems installed in accordance with provisions set forth in NMC Chapter 15.04. Plans and calculations shall be submitted and approved prior to the issuance of a building permit.

39. Fire hydrants capable of delivering the required fire flow shall be installed in accordance with NMC Chapter 15.04. Required hydrants shall be in service prior to combustible construction.

40. All new buildings shall incorporate ignition resistant and non-combustible components. At a minimum they shall include roof covering materials, exterior materials, glazing, vents and fire resistive landscaping materials to provide defensible space around the structures.

GENERAL CONDITIONS

ATTACHMENT 1

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

42. No use authorized by this permit may commence until after the Applicant executes any required permit agreement required by previously stated conditions of approval.

43. 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).

44. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, plans and specifications, or other approved documents, to comply with the General Plan, any applicable Specific Plan, the NMC, City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, and the approved tentative map, site plan, plans and specifications, and other approved documents.

45. 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.

46. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees harmless 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 applications relating to the Site; (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.

ATTACHMENT 1

47. If the Applicant is not the owner of the Site, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.

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

49. Violation of any term, condition, mitigation measure or Project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.

50. 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.

51. These conditions of approval refer to and rely on various provisions of the City of Napa Municipal Code (NMC). It is the responsibility of the Applicant to review and understand all applicable requirements and provisions of the NMC. A copy of the NMC is available for review at the office of the City Clerk, and the entire NMC is available for review on and printing from the City of Napa website (cityofnapa.org).

52. These approvals will become effective on the day following Council's approval of this Resolution. These approvals shall expire or be subject to immediate revocation pursuant to the applicable provisions of the Napa Municipal Code two years after the effective date, unless an extension has been granted in compliance with all applicable requirements and provisions of the Napa Municipal Code.

Section 7. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 4th day of May 2021, by the following vote:

AYES:

NOES:

ATTACHMENT 1

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney

EXHIBIT "A"



COLLECTION • TREATMENT • RECOVERY • REUSE

February 06, 2019

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

SUBJECT: 18-0079 MODRALL TM MODIFICATION & EXTENSION, REFRL-000970, Ron Modrall, 45 LOS ROBLES DR (Allen)

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

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

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

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

1. A plan showing the required sanitary sewer improvements shall be prepared by a registered civil engineer conforming to NapaSan standards, and shall be submitted to NapaSan for approval.
2. The subject parcel is currently outside of the boundaries of the NapaSan. Annexation of the subject parcel will be required.
3. The proposed sanitary sewer main shall be installed a minimum of 8 feet from the face of curb, a minimum of 10 feet from the proposed water main, and a minimum of 5 feet edge-to-edge from other utilities.
4. The proposed sanitary sewer main shall be extended to the western property line of the subject parcel. The portion outside of the public right of way shall be centered in a twenty-foot wide sanitary sewer easement dedicated to NapaSan. All weather access shall be provided to all sanitary sewer manholes. No trees or other permanent structures shall be placed within the sanitary sewer easement.
5. Sanitary sewer facilities are required to have a minimum of 24" of cover at all points within the public right of way. The proposed sanitary sewer facilities shall be designed to meet this requirement.
6. Each parcel shall be served by a separate sanitary sewer lateral.

EXHIBIT "A"

7. Sewer system shall be designed to operate by gravity when feasible. Any private sewage pump system shall be designed to NapaSan standards.
8. The owner/developer shall enter into an improvement agreement with the NapaSan, and post the appropriate bonds covering the sanitary sewer work.
9. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
 - a. Agreement Fees
 - b. Annexation Fees
 - c. Plan Check Fees
 - d. Inspection Fees
 - e. Capacity Charges (per single family dwelling)
10. NapaSan has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at NapaSan's website (www.NapaSan.com). NapaSan may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.
11. No plumbing from the outdoor pool/spa areas or water features shall be connected to the sanitary sewer system.
12. If a private sewer main is proposed, it shall meet NapaSan requirements for private mains. The property owner shall enter into a private main agreement with NapaSan for operation and maintenance of the private main. Appropriate language shall be included in the CC&R's regarding maintenance of the sanitary sewer lateral serving the building. A draft set shall be submitted to NapaSan for review. Contact NapaSan for more information.

The capacity charge for an equivalent dwelling unit currently is \$9,520 and will increase by the Consumer Price Index (CPI) annually in July. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff for additional information regarding capacity charges.

Please include this information as a part of your consideration of the application.

Sincerely,

Simon Kobayashi, P.E.
Associate Engineer