

RESOLUTION R2021-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN REVIEW PERMIT, USE PERMIT, AND TENTATIVE SUBDIVISION MAP FOR THE WESTERN MEADOWS SUBDIVISION, A SUBDIVISION OF A 7.56-ACRE PROJECT SITE INTO 12 SINGLE-FAMILY LOTS, LOCATED ON THE NORTH SIDE OF AN EXISTING PRIVATE DRIVEWAY EXTENDING EAST FROM THE NORTH END OF BORRETTE LANE

WHEREAS, on April 5, 2019, Borrette Lane Estates LLC (the “Applicant”) submitted an application (File No. PL1-90048) for a design review permit pursuant to Napa Municipal Code (NMC) Chapter 17.62 (“Design Review Permit”) for the design of a tentative subdivision map and the design of the single family homes, a use permit pursuant to NMC Chapter 17.60 (“Use Permit”) for the application of flag lot standards and a tentative subdivision map pursuant to NMC Chapter 16.20 (“Tentative Map”) to subdivide an 7.56-acre property located on the north side of an existing private driveway extending east from the north end of Borrette Lane (APN 041-700-016) (“Site”), into twelve single-family lots (APN 041-700-016) (the “Project”); and

WHEREAS, on August 5, 2021, the Planning Commission considered the Design Review Permit, Use Permit, and Tentative Map and all written and oral testimony submitted to them at a noticed public hearing on the Design Review Permit and Tentative Map, at which time the Planning Commission heard a presentation by Staff and took public testimony, and thereafter closed the public hearing and where they subsequently recommended that the City Council approve the applications; and

WHEREAS, the City Council has considered all information related to the Design Review Permit, Use Permit, and Tentative Map Application, 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 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.*

## ATTACHMENT 2

The proposed subdivision, improvements and single-family use of the Site are consistent with the SFR-40 Single-Family Infill General Plan designation which allows for single family development with a density of 0 to 2 units to an acre. The Project has an overall density of 1.59 units per acre. The Project is also consistent with General Plan policies regarding the efficient use of land, neighborhood compatibility, and street network connectivity.

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

The proposed subdivision design, site layout and architecture are consistent with the goals, policies and recommendations outlined in the Residential Design Guidelines. The proposed Project maintains lot sizes that are compatible with the existing neighborhood. The proposed architecture is consistent with the policies outlined in the Residential Design Guidelines. A mix of coherent forms, details, and materials are proposed to create a variety of homes which complement the neighborhood. The designs of the homes are consistent with the design principles of the Residential 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) as conditioned. The proposed Project has been found to be consistent with all applicable development standards of the RS-20 (Single-Family Residential, 20,000 Square Feet Minimum Parcel Size) zoning of the Site. All lots comply with the minimum lot size, coverage and setbacks of the zoning district. Flag lots comply with flag lot development standards for parking, setbacks, and access. As such, with implementation of the adopted conditions of approval, the proposed Project would not result in any significant impacts. The design of the proposed subdivision and single-family homes does not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

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.*

As discussed in Section 3 of this resolution, the Project is in accord with the General Plan and with the objectives of Chapter 17.60 of the Zoning Ordinance. It is in accord with the other objectives of the Zoning Ordinance, and the purposes of the RS-20 Zoning District in that it complies with the development standards for the RS-20 Zoning District in NMC Chapter 17.08 and the Parking Requirements in NMC Chapter 17.54 as modified by the flag lot standards in NMC Chapter 17.52.190. There is no overlay district.

## ATTACHMENT 2

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

The Project will not be detrimental or injurious to the above values or property in the vicinity of the Site because the proposed flag lot subdivision is in a neighborhood characterized by similar development and a similar intensity. It is planned for in the General Plan. It has been reviewed by responsible agencies and found that it can be accommodated by existing storm drain, sanitary sewer, water supply, and transportation systems and that it conforms to fire and building safety regulations.

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

As previously discussed in Section 3 and in this Section of this resolution, the Project complies with each of the applicable provisions of the Zoning Ordinance.

Section 4. The City Council hereby approves the Tentative Map prepared by RSA+, dated December 11, 2020 ("Application Plans"), submitted as part of the subject application 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 SFR-40 Single-Family Infill General Plan designation which allows for single family development with a density of 0 to 2 units to an acre. The Project has an overall density of 1.59 units per acre. The Project is also consistent with the following General Plan policies:

Housing Element Policy H1.1 encourages the efficient use of land, and Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density.

The proposed 12-lot infill development project has been designed to achieve a density that is above the mid-point of the density range for the Site. The achieved density makes the most efficient use of the island of agricultural land within the Rural/Urban Limit, consistent with Policies H1.1 and H1.4.

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood.

The development's 20,000+-square-foot lots would be built with a density between that of the 7,000+-square-foot lots adjacent to the Site on the east and the 40,000+-square-foot lots adjacent between the Site and the Rural Urban Limit (RUL) to the west. The

proposed lots are compatible in size with those in the neighborhood. The proposed single-family houses would be one-story tall, like the surrounding houses. They would reflect a contemporary interpretation of traditional building styles that have similarities to the architecture of the existing neighborhood and are compatible with existing residences in the area consistent with this policy. The proposed single-family use, lot sizes, and density are consistent with the pattern of single-family development in the area.

Transportation Element Goal T-1 seeks: “To provide for extension and improvement of the City’s roadway system to ensure the safe and efficient movement of people and goods.”

The proposed subdivision is near the edge of the City, where the City’s road network comes to an end with dead-end private roads extending toward the City limits. This development continues this appropriate approach to building permanence into the boundary between urban land uses and agriculture, the RUL. The special one-sided sidewalk is appropriate because the street only serves twelve homes, and the proposed sidewalk could accommodate the foot traffic these homes would generate.

*The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as 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 by providing very generous setbacks to allow tree planting and eaves engineered for the purpose.

Section 5. The City Council’s approval of the Design Review Permit, Use Permit, and Tentative Map, is subject to the following conditions:

### COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. This Tentative Map authorizes subdivision of the Site into 12 single-family lots. Access to the subdivision will be via a new street (Meadow Court) connecting to Borrette Lane. The portion of Meadow Court located on APN 041-700-004 will be public and the remainder of Meadow Court will be private. Lot sizes range from 20,003 square feet to 72,393 square feet. This Use Permit authorizes flag lots on Lots 1, 2, 3, 11, and 12. This Design Review Permit authorizes five one-story house plans that are between 3,790 square feet and 5,535 square feet in size, inclusive of garages and covered porches and patios. Each house plan has two different elevations, for a total of ten combinations of house plan and elevation.

2. The plans submitted for building permits shall conform substantially to the plans prepared by RSA + dated December 11, 2020, the plans submitted by Kirk Geyer Design dated July 12, 2021, and representations submitted with the application and as reviewed and approved by the City Council, and as amended by the conditions of approval.

## ATTACHMENT 2

3. Building footprints are approved as shown on the approved Tentative Map (prepared by RSA+, dated December 11, 2020). Applicant shall not alter building footprints from the approved locations; however, the Applicant may apply either of the two exterior treatments to any model on any lot. Plans submitted for building permit shall include dimensioned setback identification.

4. Any proposed modifications to the approved home elevations shall require an amendment to the Design Review Permit in accordance with NMC Section 17.68.140.

5. All Project conditions of approval and mitigation measures 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.

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

7. The plans submitted for Building Permits for the future single-family residences within the Project shall include building elevations that provide the same level of architectural detail found on the front elevation for all elevations. The exterior treatment of each building elevation shall be consistent in form and materials, and provide an overall coherent design for the entire building.

8. The Applicant shall establish an incorporated homeowner's association with recorded Covenants, Conditions & Restrictions (CC&Rs) to own, operate and maintain the Private Improvements (defined herein). Prior to approval of the final subdivision map ("Final Map"), the Applicant shall submit the CC&Rs to the City Engineer for approval as to substance and to the City Attorney for approval as to form. No subsequent changes to the CC&Rs shall be made without the approval of the Planning Manager.

9. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy for each unit.

10. A Final Fencing Plan for the Project shall be reviewed and approved by the Planning Manager prior to recordation of the Final Map. This plan shall include fencing between the Site and adjacent neighbor properties. Fences between the Site and adjacent neighbors' properties shall be installed prior to acceptance of the improvements. At the discretion of the neighboring property owners, the Applicant shall construct a new fence between the Site and the neighboring property. Should the neighboring property owner choose not to allow the Applicant to reconstruct the fence at their property line, the

## ATTACHMENT 2

Applicant may construct a new fence beyond the existing neighbors fence on the Project side.

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 for the corresponding unit.

12. The Final Map shall indicate that construction of the future homes on each of the lots shall comply with the Mitigation Monitoring and Reporting Program for the Project.

13. The Applicant shall comply with the Mitigation, Monitoring and Reporting Program adopted by Resolution No. R2021-\_\_\_\_.

14. The Applicant shall comply with California Building Code Chapter 7A – Materials and Construction Methods for Exterior Wildfire Exposure.

15. The Applicant shall obtain and comply with a tree preservation plan, prepared by a Certified Arborist, for the redwood trees that could be affected by construction on APN 041-700-004.

16. The Applicant shall plant screening trees along the boundary with APN 041-311-005.

17. The Applicant shall install stop signs at all legs of the intersection of Meadow Court and Borrette Lane.

18. Streetlights and exterior lighting shall be fully shielded.

### PUBLIC WORKS DEPARTMENT:

19. This Project is subject to the requirements of Napa Municipal Code, City of Napa Public Works Standard Specifications and Standard Plans (CON Standard Specs), and the “BASMAA Post Construction Manual” prepared by the Bay Area Stormwater Management Agencies Associated Phase II Committee, (7/14/2014) (BASMAA Manual).

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

21. The Applicant shall design and construct all on and offsite improvements in accordance with the Tentative Subdivision Map and supporting calculations prepared by a registered civil engineer. Plans shall be in substantial conformance with the development plans prepared by RSA+, dated 12/11/2020. Improvement plans will be reviewed by City of Napa Public Works Department and other City Departments.

Improvement plans must be released for construction by the City Engineer prior to grading or utility installation.

22. The Improvement Plans shall be prepared in accordance with the “Initial Submittal Checklist”, the “Improvement Plan Checklist” and “Subdivision Map Checklist” available at <http://www.cityofnapa.org/483/Forms-Handouts>. Completed checklists shall accompany the first submittal. Improvement Plan set shall include:

- a. Existing Conditions/Demolition Plan
- b. Grading and Drainage Plan
- c. Public Street Repair Plan
- d. Joint Trench Plan
- e. Utility Plan
- f. Pothole data that determines actual vertical and horizontal location of existing underground utility systems in relation to the new utility systems.
- g. Erosion and Sediment Control Plan
- h. Stormwater Control Plan

23. The Applicant shall design and construct the following public improvements to be dedicated and maintained by the City of Napa to the limits shown on the Project plans more specifically described below:

- a. Pedestrian connectivity from Borrette Lane to the Site with the construction of a 4' wide pedestrian path separated from the vehicular travel way by a flush curb and edge striping consistent with City of Napa Standard Drawing S-6F for Rural Local Streets.
- b. 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. Include red curb markings as necessary at the Project driveways.

24. Special Transportation Conditions.

- a. Prior to approval of the Final Map, the Applicant shall design and construct off-site bicycle improvements with the installation of Class III bicycle route signage and markings along Partrick Road from Browns

Valley Road to Borrette Lane. The plans for the bicycle improvements shall be subject to approval by the Public Works Director.

25. The Applicant shall design and construct all improvements that will not be dedicated or maintained by the City more specifically described below:

- a. Onsite improvements consistent with the Tentative Map.
- b. Meadow Court shall be generally consistent with Std. Drawing S-6F. This includes pedestrian connectivity along the west side of Meadow Court from the southeast corner of lot 7 to the on-site driveway leading to lots, 10,11 and 12 with the construction of a 4' wide pedestrian path and 4' wide landscape strip separated from the vehicular travel way with a flush curb and edge striping.
- c. Incorporate a group mailbox concept into the Project design. Proposed locations shall be reviewed and approved by the Post Office and the City of Napa Public Works Department.
- d. All curbs intended for no parking shall be painted red and posted with No Stopping Fire Lane (R26F).

26. Prior to approval of the Final Map, the Applicant shall acquire and dedicate to the City a 56' foot non-exclusive easement for public right of way and public utility purposes from the adjacent property owner at 1020 Borrette Lane (APN 041-700-004) ("Off-Site Property Interests"). The easement shall be subject to review and approval as to substance by the Public Works Director and as to form by the City Attorney. In the event the Applicant does not acquire the Off-Site Property Interests prior to the City's approval of the Final Map, the Applicant shall enter into an agreement with the City approved by the Public Works Director as to substance and the City Attorney as to form pursuant to which the City will acquire the Off-Site Property Interests at the Applicant's sole cost and expense and after the City acquires the Off-Site Property Interests, the Applicant will, at its sole cost and expense, construct the required public street improvements on the Off-Site Property in accordance with Government Code Section 66462.5(c).

27. Drainage and Grading – The following items related to drainage and grading shall be submitted and shown on the improvement plans prior to plan approval:

- a. All existing storm drains, drainage inlets, storm drain manholes, etc. shall be shown along with information on inverts, size, material and slope.
- b. Existing topography shown with contour lines labeled at one-foot intervals and extending 100 feet beyond the Site, or sufficient information to determine drainage impacts on adjacent properties.



## ATTACHMENT 2

- c. Applicant shall submit storm drain system calculations prepared by a registered civil engineer based on the requirements in CON Standard Specs.
- d. Detention improvements shall be incorporated into the Project storm drain system design consistent CON Standard Specs, Section 2.10 "Detention".
- e. 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.
- f. Storm Drain pipe in the public right of way shall be reinforced concrete pipe.
- g. Any retaining walls which are greater than one foot in height, which are adjacent to a property line, shall be masonry or concrete.

28. The Applicant shall follow and comply with NMC Chapter 8.36 Stormwater Quality Ordinance and State of California stormwater requirements.

- a. Applicant shall provide an Erosion and Sediment Control Plan (ESCP) and a schedule for implementation for review with the building permit. A grading permit shall not be issued until the ESCP is approved.
  - (1) Applicant shall incorporate stormwater quality 'Best Management Practices (BMPs) into the Project construction by showing BMPs on the ESCP.
- b. In accordance with the CA NPDES General Permit for Construction Activities:
  - (1) Projects >1 Acre: Prepare a Stormwater Pollution Prevention Plan (SWPPP). A copy of the SWPPP along with the waste discharge identification number (WDID) will need to be provided to Public Works prior to any permitted grading activities.
  - (2) The property owner shall insure that the contractor manages all construction activities; and handles, stores and disposes all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains, solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drain, ground water, and/or waterways.
  - (3) The 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 at an approved disposal facility.

- (4) The property owner shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the stormdrains and/or waterways as a result of the Project construction activity.
- c. Post Construction Water Quality Measures – In accordance with the “BASMAA Post Construction Manual” prepared by the Bay Area Stormwater Management Agencies Associated Phase II Committee, (7/14/2014) (BASMAA Manual), the Applicant shall incorporate post-construction BMPs into the Project design to mitigate Project impacts to water quality (<http://ca-napa.civicplus.com/574/Stormwater-Quality> under documents).
- (1) Applicant shall prepare and submit a Stormwater Control Plan (SCP) in accordance with the BASMAA Manual. Supporting calculations shall be prepared by a design professional subject to review by PW-DED staff.
  - (2) Landscape plans shall be submitted to Public Works Development Engineering Division (PW-DED) with the Improvement Plans. Landscape Plans shall illustrate all Low Impact Development (LID) post construction measures and include the required plant species.
  - (3) Post-construction BMPs shall be installed by the Applicant concurrent with Project construction and inspected by PW-DED prior to soil media being placed.
  - (4) The Applicant shall install full trash capture device(s) in accordance with the CA Water Quality Board’s Trash Provisions (CA Water Code § 13383). System shall be designed to :
    - (a) Trap all particles 5mm or greater.
    - (b) Sized to treat the 1-year, 1 hour storm event.
    - (c) Device(s) shall be chosen from the State Water Board list of certified devices.
    - (d) Device(s) shall be maintained at a frequency, no less than annually, that ensures captured trash does not reduce device efficiency or create flooding.
- d. The property owner shall enter into a long term maintenance agreement with the City of Napa approved both as to form by the City Attorney and

## ATTACHMENT 2

as to substance by the City Engineer for long term maintenance, financing and monitoring for the post construction storm water best management practices that are incorporated as part of the Project and as called out in the Approved Stormwater Control Plan.

- (1) The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.
- (2) The agreement shall be recorded prior to approval of the Improvement Plans. The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification, and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Napa shall either be a signatory to the agreement or a third party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney's fees for legal counsel to enforce such obligations.
- (3) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
- (4) Appropriate easements or other arrangements satisfactory to the City Engineer and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.
- (5) All development projects must be planned, designed and constructed consistent with the post construction standards in the city's NPDES permit and in accordance with the post construction storm water management requirements established by the city, including but not limited to, the current version of the Bay Area Stormwater Management Agencies Association Post-Construction Manual or an updated version of that manual or other post-construction storm water management standards as adopted by Council resolution.
- (6) The owner of the real property shall provide a written document, deed, agreement or similar writing acceptable to the Director, obligating the Project proponent, their successors in control of the Project and successors in fee title to the underlying

real property (or premises), to assume responsibility for the operation and maintenance of all installed treatment systems and hydromodification controls, if any, for the Project.

- (7) The owner or operator of any installed treatment system or hydromodification control shall provide the Director with information and physical access necessary to assess compliance with this chapter, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council. (O2014-15, 11/18/14)

29. The Applicant shall repair all concrete in the City Right of Way that is damaged or displaced across the Site's frontage. Portions of existing curb and gutter may remain beyond the limits of driveway and utility cuts if they are in good condition with no cracks or displacements, subject to review by the CON Public Works Inspector. Concrete shall be replaced to the nearest score lines. New concrete shall be dowelled to existing concrete with reinforcing steel bars (rebar). Contact Bret Leuthold at 707-257-9267 to determine limits.

30. Prior to approval of Improvement plans. The Applicant shall submit documentation to PW-DED that the following have been addressed:

- a. The Applicant has complied with Condition No. 26.
- b. The Applicant shall pay off all current account balances based on the rate in effect at the time of permit issuance.
- c. The Applicant shall pay a \$2500 deposit for inspection fees for public improvements.
- d. Any work performed on neighboring properties shall be done with temporary construction easements subject to review and approval by PW-DED as to substance and the City Attorney as to form.
- e. Applicant shall submit to PW-DED a Soils Investigation/Geotechnical Report per NMC Section 16.36.200. Improvement Plans shall incorporate design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans verifying conformance with their recommendations.
- f. Provide acknowledgement by the District Engineer that the design of the sanitary sewer is approved by Napa Sanitation District (NapaSan). NapaSan may sign the Improvement Plans if their conditions require them to do so.

## ATTACHMENT 2

31. PRIOR TO COMMENCING ANY ACTIVITIES ON SITE. Prior to commencing any ground disturbing activities, the Applicant shall:

- a. Submit a copy of the Notice of Intent (NOI) for coverage under the CA State Water Resources Control Board's General Construction Permit (Order 2009-0009-DWQ or its successor permit). Activities.
- b. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and the Contractor provides the following:
  - (1) Six (6) full size bond copies of the approved Improvement Plans for City's use.
  - (2) One (1) job site copy of the CON-Standard Specs for their use.
  - (3) One (1) job site copy of the SWPPP.

32. The Applicant shall have the Final Subdivision Map (Final Map) prepared in accordance with the California Subdivision Map Act (CA Government Code §§ 66410-66499).

a. Prior to final approval of the Final Map by the City Council:

- (1) Applicant shall construct all onsite and offsite improvements or enter into a Subdivision Improvement Agreement with the City and provide bonding for the public improvements, proof of workers compensation insurance and general liability insurance in the forms and amounts required by the Risk Manager and/or City Attorney. \$1,000,000 general liability insurance is typically required.
- (2) Establish an incorporated homeowner's association with recorded Covenants, Conditions & Restrictions (CC&Rs) that are approved as to substance by the City Engineer and approved as to form by the City Attorney to provide long term maintenance of the private improvements identified above.
  - (a) The CC&Rs shall be recorded contemporaneously with the Final Map.
  - (b) CC&Rs and homeowner's association must provide a detailed outline of the responsible parties, inspections, maintenance procedures, the perpetual maintenance and replacement of the improvements, monitoring documentation and annual reporting to the City Public Works Department.

## ATTACHMENT 2

- (c) CC&Rs and homeowners association must include provisions relating to enforcement options, the right of the City to access the Site 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 shall be a third party beneficiary to the CC&Rs with the right but not the obligation to enforce the obligations and secure attorney's fees for legal counsel to enforce such obligations.

- (3) Applicant shall furnish proof of payment of the mapping service fee as requirement by Napa County Board of Supervisors Resolution No. 92-119.

- b. Final map shall include any public easements offered for dedication on the map and identify any private easements that will be created by separate instruments. These easements shall include but may not be limited to:

- (1) Private access and utility easements over lots 10 and 11 for the benefit of lots 11 and 12.
- (2) Private access and utility easements over lot 1 for the benefit of lots 2, 3, APNs 041-700-0017 and 041-700-018.
- (3) A 52' public utility easement and public water line easement over Meadow Court.

- c. Final map shall include recording reference information for any public or private easements created by separate instruments.

33. **PRIOR TO ISSUING A BUILDING PERMIT** – Prior to issuing a building permit for the Project the Applicant shall submit documentation to the PW-DED for review and approval.

- a. **Street Improvement Fee.** The Applicant shall pay Street Improvement Fees in accordance with the City's Master Fee Schedule effective at the time of issuing the building permit. Fees will be collected for each individual building permit. The current rates in effect as of February 2021 are as follows:

	Land Use	Unit (DU)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
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## ATTACHMENT 2

New Use	Single Family Detached	12	2,465/DU	\$2,258/DU	\$29,580	\$27,096
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34. PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY OF THE FIRST UNIT – Prior to issuing a certificate of occupancy for the first unit the Applicant shall submit documentation to the PW-DED that indicates the following items have been completed, reviewed and approved by Public Works.

- a. Public Street Repair Plan shall be completed.
- b. Any damaged curb, gutter, sidewalk or other public improvements shall be replaced in accordance with CON-Standard Specs.
- c. Onsite and offsite improvements installed to the satisfaction of the City Engineer. This will be demonstrated by completing the PW inspector's punch list.
- d. Submit a certification by the Geotechnical Engineer of Record that all work has been completed in conformance with the recommendations in the Soils Investigation/Geotechnical Report.
- e. Submit a certification by the Engineer of Record that all work has been completed in substantial conformance with the approved Improvement Plans including Stormwater Control Plan.
- f. Complete and submit Final Stormwater Inspection Sign off form.
- g. Identify all post-construction stormwater quality BMPs with street address and GIS coordinates.
- h. All disturbed areas shall be installed permanent stabilization measures to insure no sediment laden water discharges from the Site.
- i. Submit for review Final Construction Elevation Certificate(s).
- j. Submit Improvement Plan 'As-builts' in digital AutoCAD format compatible with City's system and in the City's coordinate system.

### UTILITIES DEPARTMENT – SOLID WASTE & RECYCLING DIVISION:

35. Applicant shall submit a site or civil plan with the collection vehicle turning movements shown throughout the Project site. The site or civil plan shall include placement of three carts (landfill, compost, and recycling) for each residential unit on Meadow Court at an appropriate pick-up location.

36. The Project is subject to NMC Chapter 15.32 which requires projects that; (a) exceed \$100,000 in building valuation; or (b) exceed 5,000 sq.ft. of new, improved, or

remodeled areas; to file a Waste Reduction and Recycling Plan (WRRP) with the building permit application. No building permit shall be issued for any project until the Compliance Official has approved the WRRP. The plan shall document that recyclable materials shall be 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.

37. The CC&Rs shall include language detailing the following:

- a. Each Residential Unit shall contract separately for solid waste/recycling/organic material collection with the City's authorized contractor.
- b. Residents shall place carts on their designated collection day on Meadow Court per the Napa Municipal Code for service by the City's authorized contractor. The City's authorized contractor will not drive down driveways to service lots.
- c. Red curb and/or appropriate signage for no parking shall be provided and maintained to provide sufficient space for placement of carts on Meadow Court on the designated collection day.

### UTILITIES DEPARTMENT – WATER DIVISION

38. The Applicant shall construct all of the Water infrastructure improvements to be dedicated to and/or maintained by the City of Napa (i.e. "Public Improvements") as generally shown on the Tentative Map and more specifically described below.

39. Submit a site or civil plan outlining certain water plumbing features more specifically described as follows:

- a. If Meadow Court is to be a private street and the waterline servicing the Project is to be public, the public water improvements for the Project will be required to meet all City of Napa Water Division's Standards. If Water Division Standards are unable to be met the Water Division may require the Project to be serviced by a private water system with a master meter near Borrette Lane.
- b. Size of existing water service(s) to property;
- c. Existing water main(s) and applicable tie-in locations, details, etc.;
- d. Abandonment of any existing unused water service(s);
- e. Installation of a single water service for each lot with approved backflow devices;



## ATTACHMENT 2

- f. Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations;
- g. Installation of a sufficient number of water main valves at City-approved locations;
- h. Relocate any affected water facilities and/or appurtenances;
- i. Installation of a sufficient number of water quality monitoring/sampling stations at City-approved locations;
- j. Size and location of all proposed water services (residential, fire, irrigation, etc.).

40. The Applicant shall construct all improvements that WILL NOT be dedicated to and/or maintained by the City of Napa (i.e. the "Private Improvements") as generally shown on the Tentative Map and more specifically described below.

Submit a site or civil plan outlining certain water plumbing features more specifically described as follows:

- a. Size and location of appropriately-sized water services with backflow devices (Applicant must install Backflow device(s) if one does not exist), surrounding utilities, etc.
- b. Record all private water easement(s) necessary to extend private service(s) behind the public water meter to the property served.
- c. Designation of applicable on-site fire hydrants as private.

41. Prior to approval of the Improvement Plans, the Applicant shall:

- a. Include the following language in the CC&Rs for the Project:

"The City has the right to access and use the public utility easements and water line easements shown on the final map for the purposes of constructing, installing, maintaining, repairing, replacing or otherwise taking any actions that the City determines are necessary or prudent for the safe operation of the City water facilities. Notwithstanding anything to the contrary set forth herein, the City shall not be liable for, and shall not have any obligation to repair or replace, any surface or above-ground improvements within any water line or public utility easement area that may be disturbed or damaged as a result of City work in such areas, including but not limited to bioretention facilities, roundabout islands, sidewalk, curb/gutter, pavement islands, signing/stripping, decorative pavement/pavers/concrete, or landscaping. The Association and each Owner fully releases, acquits and discharges City and its officers, elected and appointed officials, employees, and agents,

from any and all claims that the Association or Owners may have against the City arising out of or related to damage to above-ground Improvements within the easement areas. Notwithstanding anything to the contrary set forth herein, the City's sole obligation for repairing water trenches in hardscaped areas within the public utility or water line easement area is limited to compliance with the City's then-current water trench detail standard (City Std. W-13A as of 2020), as may be amended, matching the depth of the existing asphalt concrete up to maximum of 4-inches. Notwithstanding anything to the contrary set forth herein, the City's sole obligation for repairing water trenches within landscaped areas within the public utility or water line easement area is limited to compliance with the City's then-current water trench detail standard (City Std W-13A as of 2020), as may be amended, excluding asphalt concrete."

- b. Submit all required connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559.
  - c. Provide Utility Plan.
42. Prior to Approval Building Permit, the Applicant shall:
- a. Submit remaining fees to the Water Division at 1700 Second Street, Suite 100, Napa;
  - b. Contact the City of Napa Fire Prevention Division to determine fire sprinkler requirements.
43. Prior to Occupancy, the Applicant shall:
- a. Construct all water improvements as shown on the approved plans, the City of Napa Public Works Department Standard Specifications and the special conditions listed above;
  - b. Submit certification that all backflow devices have been installed and tested by an AWWA certified tester (a list of testers is provided by the City of Napa) to the City of Napa Water Division;
  - c. Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats;
  - d. Complete the water demand mitigation requirements of this project as specified by the City of Napa Water Division. The Applicant will be contacted by the City of Napa Water Division after obtaining a building permit specifying the requirements for the proposed project;
  - e. Submit any remaining meter set and/or hot-tap fees to the Water Division at 1700 Second Street, Suite 100, Napa, 94559;

- f. Identify 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 City).

### NAPA SANITATION DISTRICT

44. 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 August 10, 2020, attached hereto and incorporated herein as Exhibit A.

### CITY GENERAL CONDITIONS

45. The plans submitted for improvement plan review and Building Permit review shall include a written analysis specifying how each of the conditions of approval have been addressed or incorporated into either the improvement plan set or building plan set.

46. 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.

47. No use authorized by this permit may commence until after the Applicant executes any and all required permit agreements.

48. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (amounts of payments shall be in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements; it is the Applicant's responsibility to confirm the amounts of and timing for all required fee payments).

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

## ATTACHMENT 2

50. The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

51. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees 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 for the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.

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

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

54. Violation of any term, condition, mitigation measure or project description relating to these approvals is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of any one or all of these approvals and/or the institution of civil and/or criminal enforcement and/or abatement proceedings. The requirements and revocation procedures for these approvals are set forth in Titles 16 and 17 of the Napa Municipal Code.

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

## ATTACHMENT 2

56. The Planning Manager is authorized to determine whether the Applicant is in compliance with the conditions and requirements of these approvals.

57. All construction and construction-related activities shall comply with the requirements of NMC Section 8.08.025.

Section 6. 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 7<sup>th</sup> day of September 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney

EXHIBIT A



COLLECTION • TREATMENT • RECOVERY • REUSE

August 10, 2020

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

SUBJECT: 19-0048 WESTERN MEADOWS SUBDIVISION, REFRL-001012, RANDY A. GULARTE,  
1030 BORRETTE LN (Rosen)

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. The following conditions are contingent upon dedication of the proposed Sanitary Sewer Easement over parcel 041-061-004. The proposed easement shall be recorded prior to NapaSan's approval of construction plans. NapaSan reserves the right to modify or add conditions on future planning applications and improvement plan submittals.
2. 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.
3. All parcels shall be served by gravity sewer.
4. The owner/developer shall enter into an improvement agreement with NapaSan and post the appropriate bonds covering the sanitary sewer work.
5. 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.
6. Sanitary sewer facilities are required to have a minimum of 36" of cover at all points within the public right of way and within sanitary sewer easements. The proposed sanitary sewer facilities

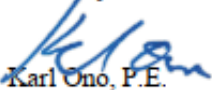
**EXHIBIT A**

shall be designed to meet this requirement.

7. Each parcel shall be served by a separate sanitary sewer lateral.
8. A 20' wide sanitary sewer easement, centered on the sewer main, shall be dedicated to NapaSan. The private street area, including turnaround areas, shall also be dedicated to NapaSan as a sanitary sewer easement. No trees, permanent structures, or private utilities will be allowed within the sanitary sewer easement(s). 24-hour all-weather driveable access shall be provided to all manholes.
9. All specialty hardscape/landscape features proposed within the existing sanitary sewer easements shall be subject to approval by NapaSan. If approved, the owner shall enter into an indemnification agreement with NapaSan that places the expense for removal and/or replacement of the features on the owner.
10. 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. Plan Check Fees
  - c. Inspection Fees
  - d. Capacity Charges (per single family dwelling)
11. 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](http://www.NapaSan.com)). NapaSan may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.

The capacity charge for an equivalent dwelling unit currently is \$9,959 and will increase by the Consumer Price Index (CPI) annually in July. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff for additional information regarding capacity charges.

Sincerely,



Karl Ono, P.E.  
Associate Engineer