



Local Agency Formation Commission of Napa County
Subdivision of the State of California

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
Fax: (707) 251-1053
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7c (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: October 1, 2018

SUBJECT: Proposed Pheasant Lane/Garfield Lane Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Pheasant Lane/Garfield Lane Annexation to the Napa Sanitation District (Attachment One) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation with a modification to include two additional parcels located at 20 Garfield Lane and 30 Garfield Lane. Standard conditions are also recommended.

SUMMARY

The Commission has received a proposal from a landowner requesting the annexation of approximately 2.7 acres of incorporated territory within the City of Napa (“City”) to the Napa Sanitation District (NSD). The purpose of the proposal is to facilitate the planned subdivision of the affected territory into eight single-family residential lots. All single-family residences would connect to NSD’s public sewer system. The application materials are included as Attachment Three.

The affected territory as proposed comprises one parcel located at 5 Pheasant Lane. The County Assessor identifies the subject parcel as 038-160-020. Staff recommends the Commission modify the boundary of the affected territory to include two additional parcels totaling approximately 2.3 acres located at 20 Garfield Lane and 30 Garfield Lane, identified by the County Assessor as 038-160-010 and 038-060-019, respectively. The affected territory as modified is entirely located within NSD’s sphere of influence (SOI). The landowners of 20 Garfield Lane and 30 Garfield Lane have provided written consent to joining the annexation (Attachment Four). References to the “affected territory” in this report refer to 5 Pheasant Lane, 20 Garfield Lane, and 30 Garfield Lane.

A map of the modified affected territory is provided on the following page and an aerial map of the modified affected territory is included as Attachment Two.

Margie Mohler, Chair
Councilmember, Town of Yountville

Scott Sedgley, Commissioner
Councilmember, City of Napa

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

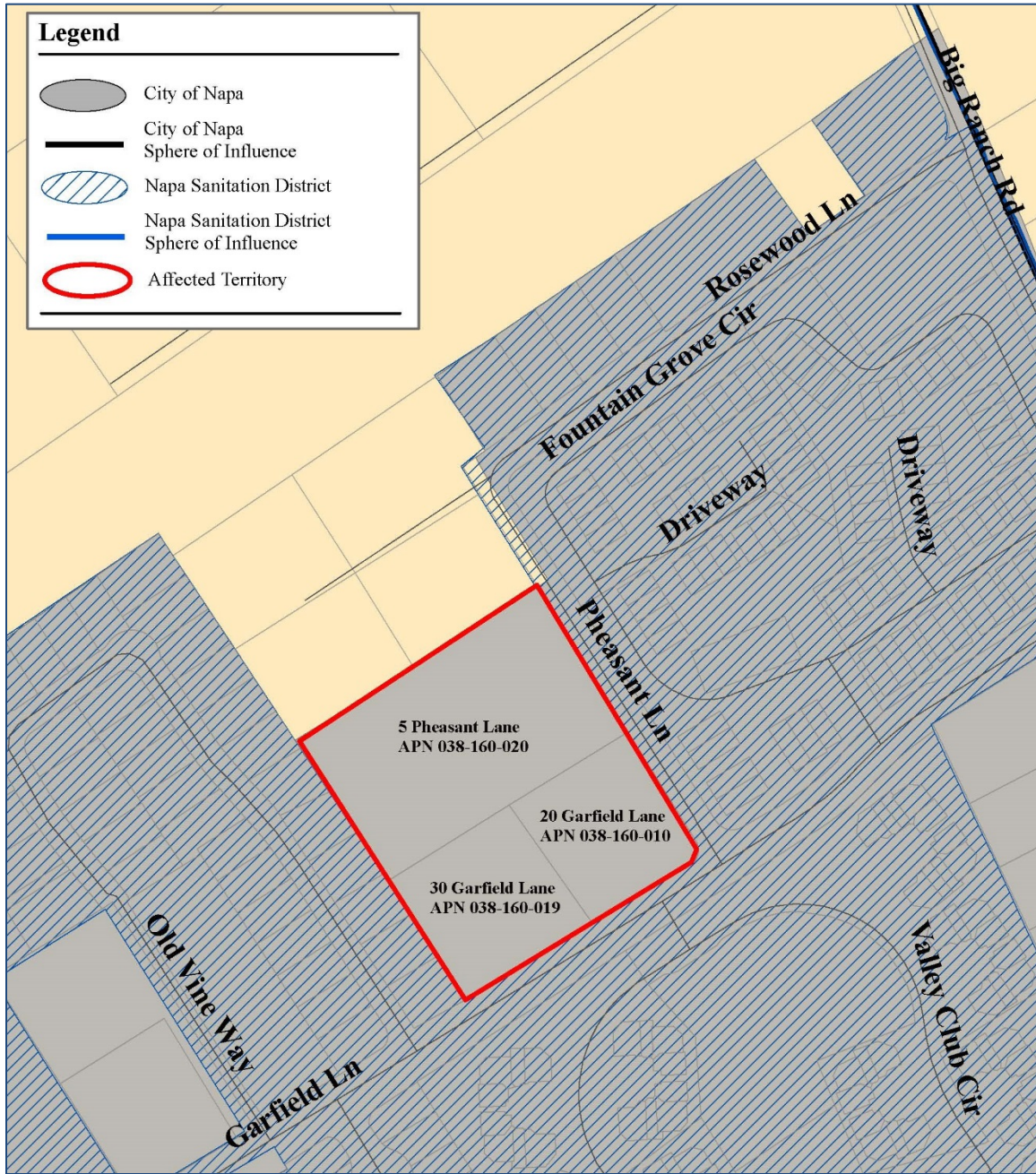
Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Gregory Rodeno, Commissioner
Representative of the General Public

Erik Lawrence, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



ANALYSIS

Factors for Commission Consideration

California Government Code (G.C.) Sections 56668 and 56668.3 require the Commission to consider the following 17 specific factors for a change of organization involving annexation to a special district. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs with respect to considering boundary changes in context with locally adopted policies and practices.

(1) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.

The affected territory is incorporated within the City's jurisdictional boundary and lies within a residential area designated under the City of Napa General Plan as *Vintage*. The affected territory is currently developed with four single-family residences, a barn, and a detached garage. The affected territory is legally uninhabited given there are fewer than 12 registered voters. The current assessment value of the affected territory totals \$2,301,957.¹

The affected territory is located within the *Salvador Channel* drainage basin. Soils within the affected territory are classified as Haire loam with two to nine percent slopes.

Approval of the proposal – with or without the recommended modification – would facilitate the planned eight-lot subdivision of 5 Pheasant Lane consistent with City of Napa Resolution No. R2018-18 (Attachment Five). Approval of the modified proposal would also allow for further development of 20 Garfield Lane and 30 Garfield Lane to include one additional residential unit on each parcel given that connection to NSD's public sewer infrastructure would eliminate the existing setback requirements associated with the private onsite septic systems currently serving these parcels. Therefore, approval of the modified proposal could potentially facilitate the further development of the affected territory to include a maximum of ten total residential units based on the City's existing zoning and General Plan designations.²

Adjacent lands to the immediate east, south, and west of the affected territory are located within both the City and NSD's jurisdictional boundaries and already built out with residential uses.

Adjacent lands to the immediate north of the affected territory are located outside the City and NSD's jurisdictional boundaries, but within both agencies' SOIs. These adjacent lands to the north of the affected territory are eligible for annexation to the City and NSD, and the City's existing rezoning contemplates residential development of these lands. Further, the County zones these adjacent lands to the north as *Residential Country* with an *Urban Reserve* overlay.

¹ The total assessed value of the affected territory is \$2,034,151 for land and \$274,806 for structural improvements.

² At buildout, the affected territory would be expected to include a resident population of 27 based on the California Department of Finance's population per household estimate of 2.76 for the City of Napa.

(2) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

The present need for municipal services within the affected territory is limited to public sewer for the planned eight-lot subdivision. Core municipal services already provided by the City or available to the affected territory include water, fire, emergency medical, law enforcement, roads, and garbage collection; all at levels deemed adequate given current and planned uses.

Proposal approval and buildout of the affected territory to include ten total residential units would result in new sewer flows totaling approximately 1,500 gallons per day. This amount is based on current average sewer demands within NSD of approximately 150 gallons per day per single-family residence. NSD has established sufficient capacities and controls to reasonably accommodate future sewer service needs within the District's existing SOI, including projected demands at buildout within the affected territory. This statement is predicated on information collected and analyzed in the Commission's *Central County Region Municipal Service Review* adopted in 2014.³ No service deficiencies for the area were identified in the Municipal Service Review.

(3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory. These ties were initially established in 1975 when the Commission included the affected territory in NSD's SOI, marking an expectation the site would eventually develop for urban type uses and require public sewer from the District as the region's sole service provider.

(4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.

The proposal is consistent with the Commission's adopted policies based on the affected territory's consistency with its urban land use designations and consistency with NSD's SOI. Further, the affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377.⁴ Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

³ The *Central County Municipal Service Review* is available online at:

http://www.napa.lafco.ca.gov/uploads/documents/MSR_CentralCounty_FinalReport_2014.pdf

⁴ Specifically, the affected territory is neither substantially unimproved nor devoted to an open-space use under the City or County General Plan.

(5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

The affected territory does not qualify as “agricultural land” under LAFCO law. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Further, the affected territory does not qualify as “prime agricultural land” as defined by G.C. Section 56064.

(6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The affected territory as modified includes all of the property identified by the County of Napa Assessor’s Office as 038-160-010, 038-160-019, and 038-160-020. The applicant has submitted a draft map and geographic description of the affected territory that is undergoing review by the County Surveyor to ensure conformance with the requirements of the State Board of Equalization.

(7) Consistency with a regional transportation plan adopted pursuant to G.C. Section 65080.

The Metropolitan Transportation Commission’s regional transportation plan (RTP), *Plan Bay Area 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.⁵ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

(8) Consistency with the city or county general and specific plans.

Approval of the modified proposal would allow for a full range of municipal services to be provided to the affected territory to serve the planned eight-lot residential subdivision. Approval would also facilitate the further development of 20 Garfield Lane and 30 Garfield Lane to include one additional residence on each parcel. The availability and provision of these municipal services are consistent with the City’s General Plan land use designation and zoning assignment for the affected territory, both of which contemplate single-family residential development.

(9) The sphere of influence of any local agency affected by the proposal.

The affected territory is located entirely within NSD’s SOI, which was comprehensively updated by the Commission in October 2015.

⁵ *Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region’s Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

(10) The comments of any affected local agency or other public agency.

Staff provided notice of the proposal and recommended modification to all affected agencies, transportation agencies, and school districts inviting comments as required under G.C. Section 56658. No comments were received.

(11) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and analyzed in the Commission's *Central County Region Municipal Service Review* concluded NSD has established adequate administrative controls and capacities in maintaining appropriate service levels. This includes regularly reviewing and amending, as needed, NSD's two principal rates and fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) capacity charge for new connections and (b) annual service charge. The capacity charge is currently \$9,624 and serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. The annual service charge for a single-family unit is currently \$676.38 and is intended to proportionally recover NSD's ongoing maintenance and operation expenses.

(12) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.

The planned development of 5 Pheasant Lane along with the future buildout of 20 Garfield Lane and 30 Garfield Lane is expected to generate new annual water demands for the City totaling approximately 2.73 acre-feet. This amount is based on current average water demands within the City of approximately 243.6 gallons per day per residence. Information collected and analyzed in the Commission's *Central County Region Municipal Service Review* concluded the City has established adequate water supplies to serve projected needs.

(13) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

Approval of the proposal would result in a benefit to the City with respect to achieving its fair share of the regional housing needs based on the potential development of six additional single-family residential units at buildout.⁶

⁶ A recent report with information on local regional housing needs allocations is available online at: http://www.napa.lafco.ca.gov/uploads/documents/6-4-18_5d_HousingUpdate.pdf

(14) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The landowner of 5 Pheasant Lane is the underlying developer and petitioner seeking annexation. 5 Pheasant Lane is currently unoccupied and thus there are no voters nor residents. The landowners of 20 Garfield Lane and 30 Garfield Lane are the only registered voters and residents within their respective properties and have all provided written consent to annexation (Attachment Four).

(15) Any information relating to existing land use designations.

City General Plan: *Single-Family Residential (SFR-33E)*
City Zoning Ordinance: *Single-Family Residential (RS-10)*

The City General Plan land use designation for the affected territory prescribes a range of development from zero to three residential units per acre. The City's zoning assignment for the affected territory contemplates minimum lot sizes of 10,000 square feet or 0.23 acres. Annexation of the affected territory to NSD and the underlying development project are consistent with existing land use designations.

(16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

There is no documentation or evidence suggesting the proposed annexation will have any implication for environmental justice in Napa County.

(17) For annexations involving special districts, whether the proposed action will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

Proposal approval would benefit current and future landowners and residents within the affected territory by providing permanent access to public sewer service. Public sewer service eliminates the need for septic systems in an area in which any failings could pose a public health and safety threat for immediate and adjacent residents.

Property Tax Agreement

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a change of organization. This statute states jurisdictional changes affecting the service areas or service responsibilities of districts must be accompanied by a property tax exchange agreement, which shall be negotiated by the affected county on behalf of the districts. In 1980, the County adopted a resolution on behalf of NSD specifying no adjustment in the allocation of property taxes shall result from annexations involving the District. This resolution has been applied to all subsequent annexations involving NSD. In processing this proposal, staff provided notice to the affected agencies that the annexation boundary would be modified to include 20 Garfield Lane and 30 Garfield Lane and that the Commission would again apply this resolution to the modified proposal unless otherwise informed. No affected agency responded with any concerns to the approach outlined by staff.

Protest Proceedings

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is legally uninhabited, all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City, as Lead Agency, has determined the underlying development project is exempt from CEQA in accordance with CEQA Guidelines Section 15332, which exempts infill development projects. Staff recommends the Commission as Responsible Agency concur with the City's determination. Further, staff has identified a statutory exemption for the proposed annexation of 5 Pheasant Lane is appropriate pursuant to CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length. These exemptions are also both appropriate for the modified annexation that includes 20 Garfield Lane and 30 Garfield Lane.

ALTERNATIVES FOR COMMISSION ACTION

Staff has identified four alternatives for Commission consideration with respect to the proposal. These options are summarized below.

Alternative Action One (Recommended):

Adopt the draft resolution identified as Attachment One approving the proposal with the recommended modification along with standard terms and conditions.

Alternative Action Two:

Adopt a revised resolution approving the proposal as submitted (i.e., no modified annexation boundary) along with standard terms and conditions.

Alternative Action Three:

Continue consideration of the proposal to a specified future meeting.

Alternative Action Four:

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year.

ATTACHMENTS

- 1) Draft Resolution Approving the Modified Proposal and Making CEQA Findings
- 2) Aerial Map of Affected Territory
- 3) Application Materials
- 4) 20 Garfield Lane and 30 Garfield Lane Landowner Consent Forms
- 5) City of Napa Resolution No. R2018-018

RESOLUTION NO. ____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS**

**PHEASANT LANE/GARFIELD LANE
ANNEXATION TO THE NAPA SANITATION DISTRICT**

WHEREAS, an application for a proposed reorganization has been filed with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to annex approximately 2.7 acres of incorporated land to the Napa Sanitation District and represents one entire parcel located at 5 Pheasant Lane and identified by the County of Napa Assessor’s Office as 038-160-020; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Commission’s Executive Officer recommends modifying the proposal to include an additional 2.3 acres of incorporated land representing two entire parcels located at 20 Garfield Lane and 30 Garfield Lane and identified by the County of Napa Assessor’s Office as 038-160-010 and 038-160-019, respectively; and

WHEREAS, the Executive Officer’s report and recommendations on the modified proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on October 1, 2018; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56668 and 56668.3 as well as adopted local policies and procedures; and

WHEREAS, the Commission finds the modified proposal consistent with the sphere of influence established for the Napa Sanitation District; and

WHEREAS, the Commission finds that all owners of land included in said modified proposal consent to the subject annexation; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City of Napa, as Lead Agency, has determined the annexation is exempt from CEQA pursuant to CEQA Guidelines Section 15332; and

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

1. The Commission’s determinations on the proposal incorporate the information and analysis provided in the Executive Officer’s written report.
2. The Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The City, as Lead Agency, has determined the underlying development project is exempt from CEQA in accordance with CEQA Guidelines Section 15332, which exempts infill development projects. The Commission concurs with the lead agency’s determination and also finds the annexation is exempt pursuant to CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline as long as the project does not exceed one mile in length.
3. The proposal is APPROVED with the following modification subject to completion of item number 11 below:
 - a) The affected territory is expanded to include 20 Garfield Lane and 30 Garfield Lane identified by the County of Napa Assessor’s Office as 038-160-010 and 038-160-019, respectively.
4. This proposal is assigned the following distinctive short-term designation:

**PHEASANT LANE/GARFIELD LANE
ANNEXATION TO THE NAPA SANITATION DISTRICT**
5. The affected territory is shown on the map and described in the geographic description in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).

11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) Written confirmation by the Napa Sanitation District that its terms and conditions have been satisfied.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.
13. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

The foregoing resolution was duly and regularly adopted by the Commission at a regular meeting held on October 1, 2018 by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

DRAFT

 Margie Mohler
 Commission Chair

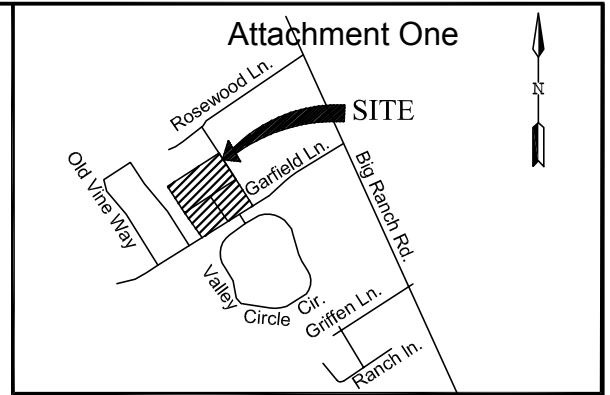
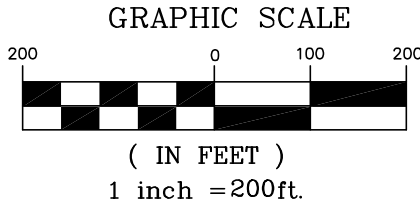
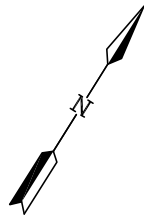
ATTEST: _____
 Brendon Freeman
 Executive Officer

Recorded by: Kathy Mabry
 Commission Secretary

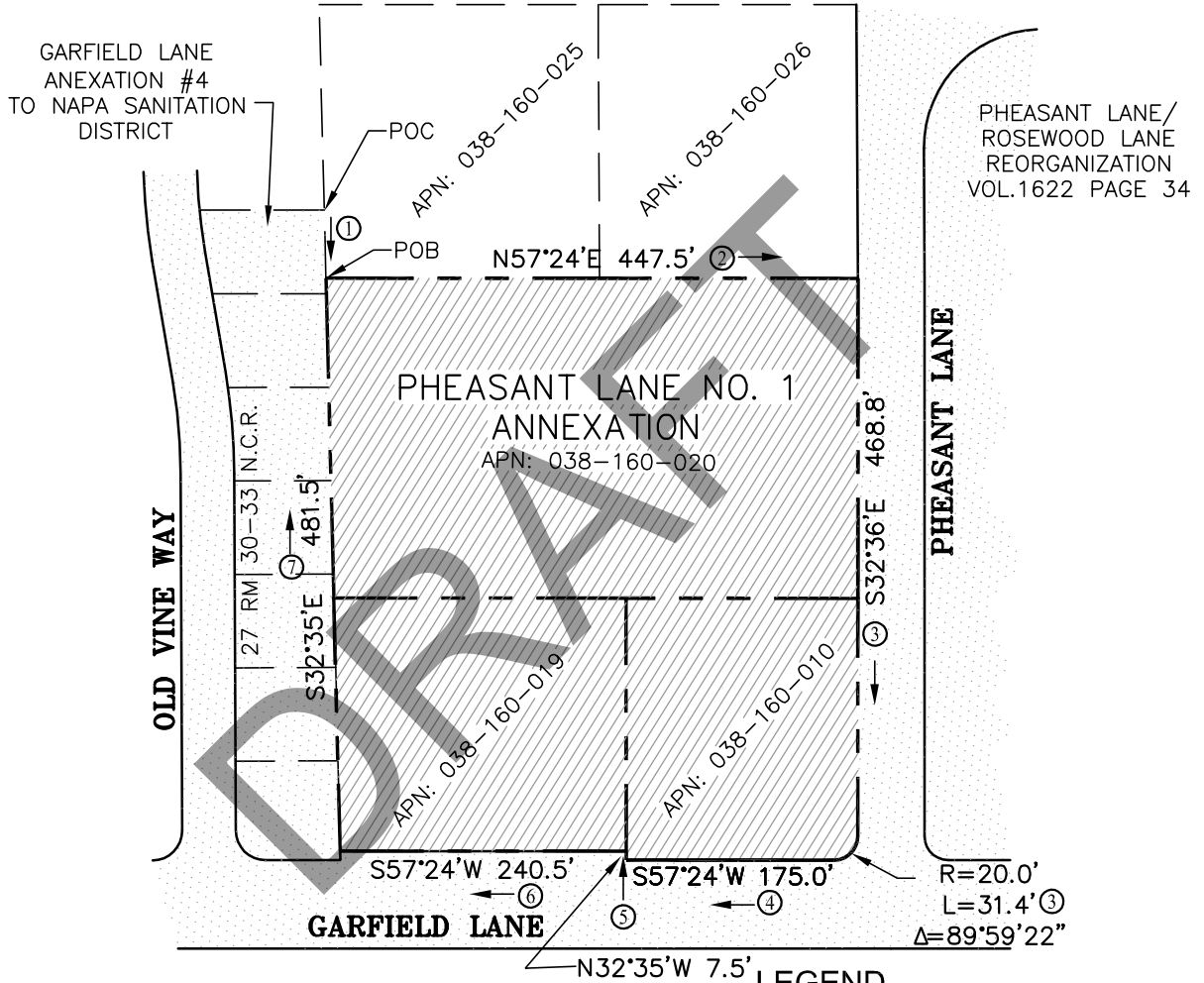
DISCLAIMER:

THIS EXHIBIT IS FOR ASSESSMENT PURPOSES ONLY AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND SHOWN HERON.

THE EFFECTED TERRITORY IS SHOWN ON THE MAP AND DESCRIBED IN THE GEOGRAPHIC DESCRIPTION IN THE ATTACHED EXHIBIT "A"



VICINITY MAP
NO SCALE



LEGEND

- EXISTING NAPA CITY BOUNDARY
- PROPOSED AREA TO BE ANNEXED
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ① COURSE NUMBER

APPLICANTS

ST. THOMAS CONSTRUCTION INC
(APN 380-160-020)
12885 ALCOSTA BLVD, SUITE "A"
SAN RAMON, CA 94583

DAVID J. RUGG (APN 380-160-010)
20 GARFIELD LANE
NAPA, CA 94558

Scott Blakley (APN 380-160-019)
30 GARFIELD LANE
NAPA, CA 94558



CHAUDHARY & ASSOCIATES, INC.
ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204
NAPA, CALIFORNIA 94558

Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

Pheasant Lane/Garfield Lane Annexation to NSD

EXHIBIT "A"
PHEASANT LANE / GARFIELD LANE
ANNEXATION
TO THE NAPA SANITATION DISTRICT
BEING A PORTION OF NAPA RANCHO

U:\2016\16-02-006 St. Thomas-PheasantLn Phase 1 - LAFC016-02-006.dwg 9-24-18 11:19:13 AM

September 19, 2018
#16-02-006(E)

EXHIBIT "A"
PHEASANT LANE / GARFIELD LANE ANNEXATION
TO THE NAPA SANITATION DISTRICT
GEOGRAPHIC DESCRIPTION

All that property situate in portions of Napa Rancho, in the County of Napa and State of California described as follows:

COMMENCING at the Northeast corner of the Garfield Lane District Annexation #4 to the Napa Sanitation District;

Course 1: thence, Southerly along said District boundary 52.3 feet to the POINT OF BEGINNING;

Course 2: thence, leaving existing District boundary North 57° 24' East, 447.5 feet to Annexation No. 1969-4;

Course 3: thence, South 32° 36' East, 468.8 feet; to the beginning of a tangent curve to the right; having a central angle of 89° 59' 22", an arc radius of 20.00 feet and an arc length of 31.4 feet;

Course 4: thence South 57° 24' West, 175.0 feet;

Course 5: thence, North 32° 35' West, 7.5 feet;

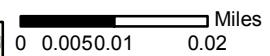
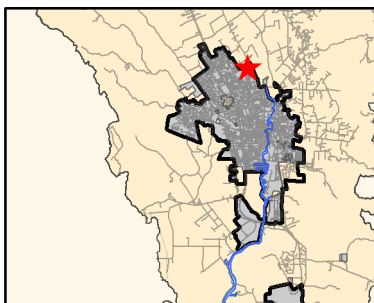
Course 6: thence, South 57° 24' West, 240.5 feet;

Course 7: thence, South 32° 35' East, 481.5 feet to the POINT OF BEGINNING.

Containing 4.9 Acres ± of land more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Professional Land Surveyor Act and may not be used as the basis for an offer for sale of land described herein.

Pheasant Lane/Garfield Lane Attachment Two Annexation to the Napa Sanitation District



September 2018
Prepared by BF



LAFCO of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
www.napa.lafco.ca.gov

FORM B

| | |
|--------------|--------|
| Date Filed: | 7/2/18 |
| Received By: | BF |

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

Add the property to Napa Sanitation ~~sphere of influence~~. District boundary.

Description of Boundaries of Affected Territory Accompanied by Map:

Yes - see attached draft map and geographic description.

Reason for Proposal and Any Proposed Conditions:

Approved 8-lot subdivision requires public sewer service.

Type of Petition:

Landowner

Registered Voter

Sphere of Influence Consistency:

Yes

No

If Landowner Petition, Complete the Following:

- 1) Name: North San Ramon Development 1, LLC
- Mailing Address: 12885 Alcosta Blvd, Suite A, San Ramon, CA 94583-1355
- Assessor Parcel: 038-160-020
- Signature: _____ Date: _____

- 2) Name: _____
- Mailing Address: _____
- Assessor Parcel: _____
- Signature: _____ Date: _____

- 3) Name: _____
- Mailing Address: _____
- Assessor Parcel: _____
- Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

- 1) Name: _____
- Mailing Address: _____
- Resident Address: _____
- Signature: _____ Date: _____

- 2) Name: _____
- Mailing Address: _____
- Resident Address: _____
- Signature: _____ Date: _____

- 3) Name: _____
- Mailing Address: _____
- Resident Address: _____
- Signature: _____ Date: _____

FORM D

Date Filed: 7/2/18
Received By: BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name: Steve Garrett
Contact Person Agency/Business (If Applicable)
Address: 12885 Alcosta Blvd, Suite A, San Ramon 94583
Street Number Street Name City Zip Code
Contact: 925-328-1000 SGarrett@castlecompanies.com
Phone Number Facsimile Number E-Mail Address

B. Applicant Type: (Check One)
 Local Agency Registered Voter Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sanitation District, 1515 Soscol Ferry Rd, Napa, CA 94558
Name Address
Name Address
Name Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)
 Annexation Detachment City Incorporation District Formation
 City/District Dissolution City/District Merger Service Activation (District Only) Service Divestiture (District Only)

C. Purpose Statement: (Specific)
The subject property is being sub divided into 8 single family homes. The existing residence is being served by septic thus eliminating the need for septic system

III. GENERAL INFORMATION

| | | | |
|--------------|--|------------------------|-------------|
| A. Location: | 5 Pheasant Ln, Napa, CA 94558 | 038-160-020 | 2.74 AC +/- |
| | Street Address | Assessor Parcel Number | Acres |
| | Street Address | Assessor Parcel Number | Acres |
| | Street Address | Assessor Parcel Number | Acres |
| | Street Address | Assessor Parcel Number | Acres |
| | Total Location Size (Including Right-of-Ways) | | 2.74 |

B. Landowners:

- (1) Assessor Parcel Number : 038-160-020 Name: North San Ramon Development 1
Mailing Address: 12885 Alcosta Blvd, Ste A, San Ramon, CA
Phone Number: 925-328-1000 E-mail: SGarrett@castlecompanies.com
- (2) Assessor Parcel Number : _____ Name: _____
Mailing Address: _____
Phone Number: _____ E-mail: _____
- (3) Assessor Parcel Number : _____ Name: _____
Mailing Address: _____
Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
Mailing Address: _____
Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 0
- (2) Total Number of Registered Voters: 0

D. Land Use Factors:

- (1a) County General Plan Designation: City of Napa
- (1b) County Zoning Standard: City of Napa
- (2a) Applicable City General Plan Designation: Residential SFR-33E
- (2b) Applicable City Rezoning Standard: R10, 10,000 SF Single Family Residential

E. Existing Land Uses:
(Specific)

There are two uninhabited structures on the property

F. Development Plans:

- (1a) Territory Subject to a Development Project? Yes No
- (1b) If Yes, Describe Project: The site has been approved by City of Napa for 8 single single family dwellings
- (1c) If No, When Is Development Anticipated? _____

G. Physical Characteristics:

- (1) Describe Topography:
The site is flat with two structures
- (2) Describe Any Natural Boundaries:
No
- (3) Describe Soil Composition and Any Drainage Basins:
Haire Loam
- (4) Describe Vegetation:
Native grasses

H. Williamson Act Contracts
(Check One)

- Yes
- No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

(1) Enumerate and Describe Services to Be Provided to the Affected Territory:

Sewer services

(2) Level and Range of Services to Be Provided to the Affected Territory:

Sufficient sewer service for 8 single-family residences as approved by City of Napa.

(3) Indication of When Services Can Feasibly Be Extended to the Affected Territory:

End of 2019

(4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:

Curb, gutter, sidewalk, storm drainage and sewer connections

(5) Information On How Services to the Affected Territory Will Be Financed:

Private funds

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

(1) Lead Agency for Proposal: City of Napa
~~Napa Sanitation District~~ LAFCO of Napa County
Name

(2) Type of Environmental Document Previously Prepared for Proposal:

- Environmental Impact Report
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: _____
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

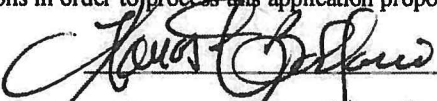
Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:
(Does not include affected landowners or residents)

- (1) Recipient Name: City of Napa
Mailing Address: 1600 First Street, Napa, CA 94559
E-Mail: _____
- (2) Recipient Name: Napa Sanitation District
Mailing Address: 1515 Soscol Ferry Rd, Napa, CA 94558
E-Mail: _____
- (3) Recipient Name: _____
Mailing Address: _____
E-Mail: _____

VII. CERTIFICATION

I certify the information contained in this application is correct. I acknowledge and agree the Local Agency Formation Commission of Napa County is relying on the accuracy of the information provided in my representations in order to process this application proposal.

Signature: 

Printed Name: THOMAS A. BALPACCI

Title: REG.

Date: 6/25/18

Indemnification Agreement

Name of Proposal: Pheasant Lane/Garfield Lane Annexation to NSD

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant ST. THOMAS CONSTRUCTION INC and/or N. SAN RAMON DEVELOPMENT LLC (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

- 1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
- 2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

Agency Representative Signature

Print Name

Date



Principal Landowner Signature

THOMAS BALDACCI, ST. THOMAS
Print Name CONSTRUCTION INC

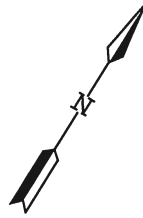
6.21.2018

Date

DISCLAIMER:

THIS EXHIBIT IS FOR ASSESSMENT PURPOSES ONLY AND MAY NOT BE USED AS THE BASIS FOR A SALE OF THE LAND SHOWN HERON.

THE EFFECTED TERRITORY IS SHOWN ON THE MAP AND DESCRIBED IN THE GEOGRAPHIC DESCRIPTION IN THE ATTACHED EXHIBIT "A"

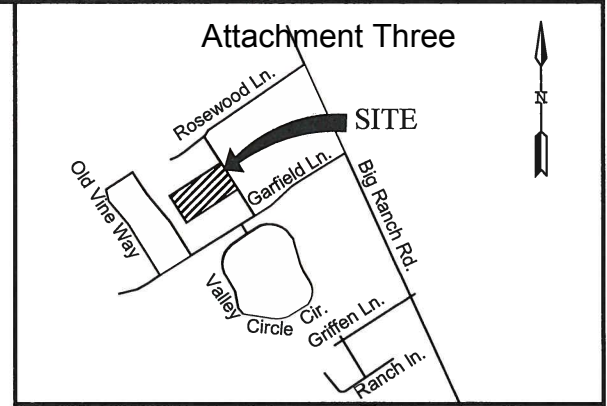


GRAPHIC SCALE



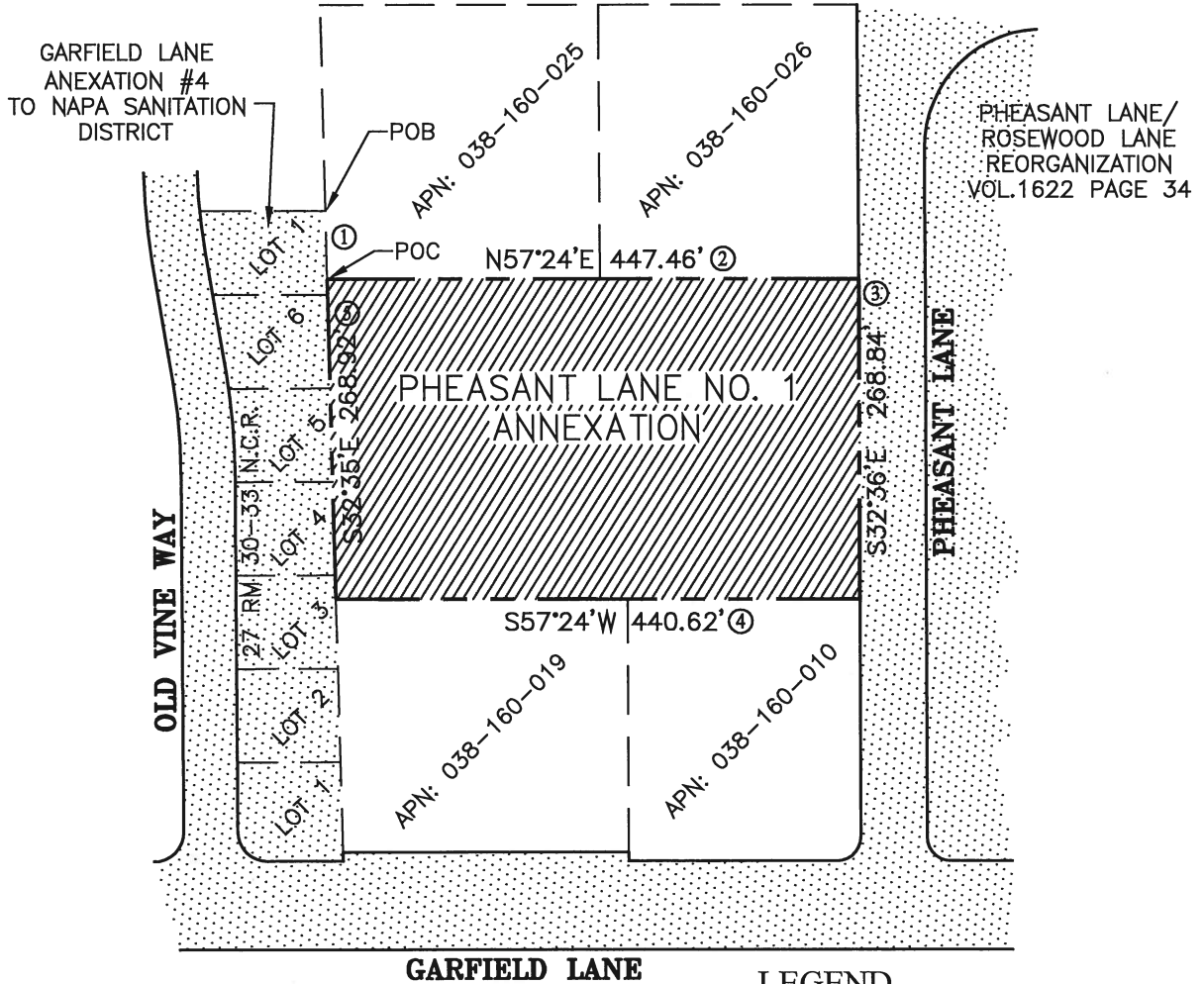
(IN FEET)

1 inch = 200ft.



VICINITY MAP

NO SCALE



APPLICANTS

ST. THOMAS CONSTRUCTION INC (APN 380-160-020)
12885 ALCOSTA BLVD, SUITE "A"
SAN RAMON, CA 94583

LEGEND

EXISTING NAPA CITY BOUNDARY

PROPOSED AREA TO BE ANNEXED

P.O.B. POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

① COURSE NUMBER

DRAFT



CHAUDHARY & ASSOCIATES, INC.

ENGINEERS SURVEYORS INSPECTORS

211 GATEWAY ROAD WEST, SUITE 204

NAPA, CALIFORNIA 94558

Tel: (707) 255-2729 FAX: (707) 255-5021 WWW.CHAUDHARY.COM

EXHIBIT "A"
PHEASANT LANE / GARFIELD LANE
NO.1 ANNEXATION
TO THE NAPA SANITATION DISTRICT
BEING A PORTION OF NAPA RANCHO

JUNE 20, 2018



CHAUDHARY
& ASSOCIATES, INC.

ENGINEERS

SURVEYORS

INSPECTORS

WWW.CHAUDHARY.COM

211 GATEWAY ROAD WEST ■ SUITE 204 ■ NAPA, CA 94558-6279 ■ 707.255.2729

June 22, 2018

#16-02-006(E)

EXHIBIT "A"
PHEASANT LANE / GARFIELD LANE NO. 1 ANNEXATION
TO THE NAPA SANITATION DISTRICT
GEOGRAPHIC DESCRIPTION

All that property situate in portions of Napa Rancho, in the County of Napa and State of California described as follows:

BEGINNING at the Northeast corner of the Garfield Lane District Annexation #4 to the Napa Sanitation District;

Course 1: thence, Southerly along said District boundary 52.3 feet to the POINT OF COMMENCEMENT;

Course 2: thence, leaving existing District boundary North $57^{\circ} 24'$ East, 447.46 feet to Annexation No. 1969-4;

Course 3: thence, South $32^{\circ} 36'$ East, 268.84 feet;

Course 4: thence, South $57^{\circ} 24'$ West, 440.62 feet'

Course 5: thence, North $32^{\circ} 35'$ West, 268.92 feet to the POINT OF COMMENCEMENT.

Containing 2.74 Acres \pm of land more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Professional Land Surveyor Act and may not be used as the basis for an offer for sale of land described herein.

DRAFT





Local Agency Formation Commission of Napa County
Subdivision of the State of California

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

LANDOWNER CONSENT FORM

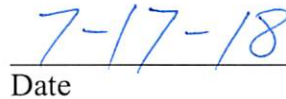
I am the legal owner of property as described below and hereby voluntarily consent to the annexation of our land to the Napa Sanitation District as part of the proposal proceedings undertaken by Steve Garrett. In providing consent, and with the qualification that all related annexation costs be the responsibility of Steve Garrett, I acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

Landowner Names: David Rugg

Property Address: 20 Garfield Lane, Napa, CA 94558

Property APN: 038-160-010


Landowner


Date

Margie Mohler, Chair
Councilmember, Town of Yountville

Scott Sedgley, Commissioner
Councilmember, City of Napa

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Gregory Rodeno, Commissioner
Representative of the General Public

Erik Lawrence, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



Local Agency Formation Commission of Napa County
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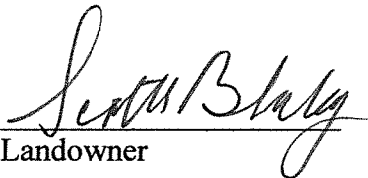
LANDOWNER CONSENT FORM

We are the legal owners of property as described below and hereby voluntarily consent to the annexation of our land to the Napa Sanitation District as part of the proposal proceedings undertaken by Steve Garrett. In providing consent, and with the qualification that all related annexation costs be the responsibility of Steve Garrett, we acknowledge the Commission may proceed with considering the proposal without notice, hearing, or protest proceedings under Government Code Section 56662(a).

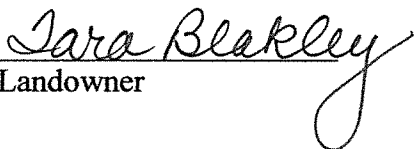
Landowner Names: Scott & Tara Blakley

Property Address: 30 Garfield Lane, Napa, CA 94558

Property APN: 038-160-019


Landowner

09-11-18
Date


Landowner

9.11.18
Date

Margie Mohler, Chair
Councilmember, Town of Yountville

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Gregory Rodeno, Commissioner
Representative of the General Public

Scott Sedgley, Commissioner
Councilmember, City of Napa

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Erik Lawrence, Alternate Commissioner
Representative of the General Public

Kenneth Leary, Alternate Commissioner
Councilmember, City of American Canyon

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brendon Freeman
Executive Officer

RESOLUTION NO. R2018-018

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN REVIEW PERMIT AND TENTATIVE MAP TO SUBDIVIDE A 2.7-ACRE PROPERTY INTO EIGHT SINGLE-FAMILY LOTS AT 5 PHEASANT LANE AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, Castle Companies Inc. (the "Applicant") submitted an application (File No. PL17-0121) for a Design Review Permit for a subdivision map and house plans and a Tentative Map to subdivide a 2.7-acre property into eight single-family lots at 5 Pheasant Lane (the "Project") (APN 038-160-020) on August 16, 2016; and

WHEREAS, the Planning Commission held a noticed public hearing on January 4, 2018 on 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 Project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Categorical Exemptions; Class 32), which exempts in-fill development projects that: (1) are consistent with the applicable general plan designation and applicable general policies and applicable zoning designation and regulations; (2) occur within city limits on a project site of no more than five acres substantially surrounded by urban uses; (3) are on a project site that has no value as habitat for endangered, rare, or threatened species; (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (5) can be adequately served by all required utilities and public services. The exceptions to categorical exemptions identified in CEQA Guidelines Section 15300.2 are inapplicable because the land is in an urbanized area with no environmentally sensitive habitats or species of concern on the property, there has been no successive effort to intensify land uses in the area, and no unusual circumstances exist that would pose a reasonable possibility of having a significant effect on the environment, and the project does not involve or affect historic resources. Based on this analysis, no significant environmental effects would result from this project and the use of categorical exemptions is appropriate.

Section 3. The City Council hereby approves the Design Review Permit for the proposed tentative map and houses as defined on the Application Plans submitted as a part of the subject application and makes the following findings in support of the approval:

- A. The proposed use is in accord with the General Plan and any applicable Specific Plan design policies.

The property is located within the SFR-33E, Single-Family Residential General Plan Designation, which allows for detached single-family homes at a density of zero to three units per acre. The subdivision of the 2.7-acre project site into eight lots results in a density of 2.9 units per acre which is consistent with the density range of this Designation.

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The area has a variety of lot sizes and the proposed lots are compatible with the neighborhood. The proposed single-family use and homes are 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.

Housing Element Policy H1.1 encourages the efficient use of land. Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density. The proposed eight-lot infill development project has been designed to achieve a density that is above the mid-point of the density range for this property, consistent with Policies H1.1 and H1.4.

The project site is not located within an area that is subject to a specific plan.

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

The proposed site layout and architecture are consistent with the goals, policies, and recommendations outlined within the Residential Design Guidelines which encourage single-family developments to be designed to be respectful of the scale and rhythm of Napa's traditional neighborhoods. A mix of coherent forms, details, and materials are proposed to create a contemporary development of homes that complement the neighborhood. The hierarchy of fenestration treatment, detailing, and exterior wall materials provide visual interest and reduce the overall perceived bulk and height. The proposed elevations include three-dimensional elements that break up the wall surfaces. As such, the proposed project complies with the design review criteria established by City Council.

- C. The Design Review Permit is in accord with the applicable provisions of Title 17 of the NMC 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.

Napa Municipal Code (NMC) Sections 17.40.030 and 17.62.050 require a Design Review Permit for Tentative Maps and new single-family homes. With Design Review Permit approval, the proposed project will be in compliance with the provisions of Title 17. The proposed subdivision within a developed area is not likely to result in any impacts that would be detrimental to the public health, safety or welfare. Staff has circulated the application to other affected departments and agencies and their comments and special conditions have been incorporated to ensure the proposed development will not pose a nuisance to the community. The proposed residential development will not cause any health, safety, and/or general welfare hardship to the community.

Section 4. The City Council hereby approves the Tentative Map as defined on the Application Plans submitted as a part of the subject application and makes the following findings in support of the approval:

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

The property is located within the SFR-33E, Single-Family Residential General Plan Designation, which allows for detached single-family homes at a density of zero to three units per acre. The subdivision of the 2.7-acre project site into eight lots results in a density of 2.9 units per acre which is consistent with the density range of this Designation.

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The area has a variety of lot sizes and the proposed lots are compatible with the neighborhood. The proposed single-family use and homes are 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.

Housing Element Policy H1.1 encourages the efficient use of land. Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density. The proposed eight-lot infill development project has been designed to achieve a density that is above the mid-point of the density range for this property, consistent with Policies H1.1 and H1.4.

- B. *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.

To the maximum extent feasible, buildings have been sited with an east-west alignment to be aligned for southern solar exposure. Passive heating and cooling opportunities have been provided to the maximum extent practical by allowing for operable windows, porches, and landscaping.

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

Community Development Department – Planning Division

1. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements and conditions of the Design Review Permit and Tentative Map.
2. The addition of the optional fifth bedroom shown on Plan 2 on Lots 3 and 6 require one additional on-site parking space. The space shall be paved, located outside of the front setback, and shall comply with parking standards established in Napa Municipal Code (NMC) Chapter 17.54.
3. No banner signs or other temporary signs shall be installed without prior approval of a Special Event Sign Permit.
4. Consistent with the City's Sign Ordinance, no portable (e.g. A-frame, portable, rotating, flashing, animated, moving or having the appearance of moving, inflatable) signs are permitted.
5. The Applicant shall obtain a Building Permit through the Building Division prior to construction of any improvements.
6. The plans submitted for Building Permit shall include the following:
 - a. All conditions of approval 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.
 - b. The plans submitted for Building Permit for exterior divided-light windows shall be one of the following choices or a combination of the following choices:
 - (1) True divided-light window with individual panes of glass separated by muntins; and/or

- (2) Simulated divided-light window with the grilles resembling muntins applied to the exterior of the window.
 - c. Final landscape plans for the proposed development that shall be reviewed and approved by the Planning Manager (or his or her designee) prior to issuance of a Building Permit. All landscaping and fencing shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.
 - d. All exterior lighting shall be shielded or downwardly oriented to prevent glare onto public streets.
 - e. Locations of all mechanical and utility equipment, including transformers and backflow devices.
 - f. All mechanical and utility equipment, including transformers and backflow devices must be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Because transformers and backflow prevention devices are regularly maintained and tested, screening is required to meet certain criteria for the accessibility and visibility. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project
7. Prior to issuance of a Building Permit, the Developer shall pay all applicable fees at the rates in effect at the time of payment for the Project involved, including but not limited to:
 - a. Affordable Housing Impact Fee.
 8. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The Ordinance further states that there will be: no start-up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.
 9. Failure to obtain a Building Permit within two years of the effective date described in Condition 56 (or any extension of such two-year period approved in accordance with the applicable requirements of the NMC) is grounds for revocation of the Design Review Permit. Failure to complete construction in accordance with the terms of any Building Permit, is grounds for revocation of the Design Review Permit.

10. Additional Approvals Required:
 - a. Approval of this application is subject to the Napa Sanitation District's approving the required sanitary sewer improvements.
 - b. Approval of this application is subject to Napa County's Planning, Building, and Environmental Services Department approving any required well destruction permits.

Fire Department

11. Fire Department plan review shall be based on the information submitted at the time of permit application.
12. In accordance with the Standard Mitigation Measures and conditions of approval set forth in the City of Napa Policy Resolution 27, and the Standard Fees and Charges (Policy Resolution 16), the developer shall pay the Fire and Paramedic Impact Fee prior to the issuance of any building permits.
13. Fire apparatus access shall be provided to within 150 feet of the most remote exterior portion of all buildings as measured by an approved route around the exterior of the building or facility.
14. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 72,000 lbs., a maximum grade of 15% and not be impeded by gates, vertical traffic calming (speed bumps), bollards or other barriers without written approval and in conformance with City design specifications.
15. Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction.
16. All projects shall provide adequate fire flow and fire hydrant distribution in accordance with Appendix B and C of the California Fire Code.
17. Automatic fire sprinkler systems shall be installed in accordance with provisions set forth in the California Fire Code as amended by the City of Napa and the applicable National Fire Protection Association Standard.
18. Plans and calculations for all fire protection systems and features shall be submitted and approved prior to the issuance of a building permit.

Parks and Recreation Services Department

19. The 55-inch DBH Valley Oak tree, identified as Oak 52 on the report prepared by Atlas Tree Services, Inc. (date stamped received April 12, 2107), and identified as Significant Tree No. 40, shall be protected from construction impacts in adherence with the report and with the City's Tree Preservation Standards. These standards shall be noted on the plans submitted for Building Permit.

Public Works Department

20. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the referenced site plan. All improvements shall be designed in accordance with the City's Standard Specifications and Standard Plans, and 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.
21. The Applicant shall construct all the 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:
 - a. Construct a four-foot wide sidewalk, six-foot wide planter strip, various drainage facilities, street lighting, curb ramps and safety related signing and striping improvements, and repairs along the frontage of Pheasant Lane. Any existing curb or pavement that is damaged or displaced must be removed and replaced.
 - b. Pheasant Court shall be constructed as a public street. Public street improvements and appurtenances include, but not limited to curb, sidewalk, storm drains, street lighting, signage and striping.
 - (1) Curb and sidewalk improvements in the vicinity of the Oak tree near LL 2/3 may be modified from City Standards to preserve said tree subject to the review and approval of the Public Works Director.
 - (2) Due to the reduced pavement width near said tree, compliance with Fire Code requirements will require parking along portions of Pheasant Court to be prohibited. This applies to any locations where pavement width is less than 28 feet and cul-de-sac bulbs.
 - c. All utility services serving the subdivision shall be constructed underground. Any existing overhead utilities traversing the site must be removed.

- d. Water infrastructure improvements sufficient to meet City water quality, operational and fire flow standards shall be constructed as follows:
- (1) Abandon unused water mains and/or services as directed by the City.
 - (2) Install appropriately sized water main(s) in the proposed public street.
 - (3) Install a sufficient number of fire hydrants on all public water facilities at Fire Marshal and City-approved locations.
 - (4) Install a sufficient number of water main valves at City-approved locations.
 - (5) Install a sufficient number of water quality monitoring/sampling stations at City-approved locations.
 - (6) Install appropriately-sized potable water services (fire, residential, irrigation, etc.) with approved backflow devices to each lot.
 - (7) Relocate any affected water facilities and/or appurtenances (e.g. private fire hydrants)
22. 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 site plan and more specifically described below:
- a. Install all new utilities required to serve the project underground.
 - b. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to approved "receiving waters".
 - c. Install all post-construction stormwater treatment facilities. All such facilities shall be installed outside of City right of way and Public Utility Easements.
23. Prior to approval of the Improvement Plans, the Applicant shall:
- a. Submit the City's "Initial Submittal Checklist" and "Improvement Plan Checklist".
 - b. Pay an initial cash deposit of \$3,500 for City plan check services.
 - c. Contact the City of Napa Fire Department to confirm fire suppression requirements, fire service sizes and fire hydrant locations.
 - d. Provide the following:
 - (1) Public Street Repair Plan

(2) Utility Plan

- (a) Submit a site or civil plan outlining certain water plumbing features more specifically described as follows:
 - (i) Size of existing water service(s) to property and adjacent parcel(s).
 - (ii) Existing water main(s) and applicable tie-in locations, details, etc.

(3) Storm Water Pollution Prevention Plan (SWPPP)

- (a) Applicant shall provide Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Development Engineering Division for review and approval with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.
- (b) Construction Water Quality Measures –the property owner shall insure that the Developer and the contractor incorporate storm water quality Best Management Practices (BMP's) into the project construction process.
- (c) Project > 1 acre of disturbance: Provide an Erosion and Sediment Control Plan (ESCP) and/or a State Stormwater Pollution Prevention Plan (project disturbance >1 acre), as required per the States Construction General Permit. A copy of the Stormwater Pollution Prevention Plans (SWPPP) along with waste discharge identification number (WDID) will need to be provided to the Public Works – Stormwater Program prior to grading permits.

http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml

PLEASE NOTE: Item above does not require a separate Erosion and Sediment Control Plan (ESCP). The ESCP is a part or element of these plans; however, the SWPPP must address all elements of the required ESCP. See ESCP template at:

http://www.cityofnapa.org/images/publicworks/BUD/escp_reviewprocjun2014.pdf .

- (d) The construction BMP's shall be shown on the project Erosion and Sediment Control Plan.
- (e) 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.

- (f) 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.
 - (g) 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.
- (4) Post-Construction Storm Water Runoff Management Plan
- (a) The Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality. Additional information may be found at:

http://www.cityofnapa.org/images/publicworks/Stormwater/BASMAA_PostCon_Manual.pdf under "Documents"
 - (b) The post-construction BMP's shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).
 - (c) 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.
 - (d) 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 Chaudhary and Associates dated 9/19/2017.
- (5) Geotechnical Report
- (6) Construction Traffic Control Plan.

- (a) Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work. Provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.
- (b) Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
- (c) Provide acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.
- (d) Furnish proof of the acquisition of all rights of entry and/or temporary and permanent easements necessary to construct the project and the location of all such rights on the Plans.
- (e) Submit all required connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559.

24. Prior to commencing any activities on-site, the Applicant shall:

- a. Pay off in full all current account balances.
- b. Pay an initial inspection fee deposit for improvements subject to Public Works Department inspection.
- c. Submit a copy of the Notice of Intent for coverage under the State Water Resources Control Board' General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).
- d. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
 - (1) (6) full-size bond copies of the approved Improvement Plans for the City's use.
 - (2) (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.
 - (3) (1) job-site copy of the approved SWPPP for their use.

25. Prior to filing the Final Map, the Applicant shall:

- a. Pay initial cash deposit of \$3,500 for City map check services.
- b. Construct all Public & Private Improvements to the satisfaction of the City Engineer. Alternatively, the Applicant may enter into an Improvement Agreement with the City to construct all Improvements prior to Occupancy of the first unit. Such an Agreement will require the Applicant to provide bonds, proof of worker's compensation insurance, and general liability insurance in the forms and amounts as proof satisfactory in form to the City.
- c. Establish an incorporated homeowner's association, with recorded Conditions, Covenants, & Restrictions (CC&R) satisfactory in substance to the City Engineer and satisfactory in form to the City Attorney, to provide long-term maintenance of the Private Improvements identified in Condition No. 22 above. Alternatively, the Applicant may establish an incorporated maintenance association and their attendant satisfactory CC&Rs satisfactory in substance to the City Engineer and satisfactory in form to the City Attorney, to provide said long-term maintenance of the Private Improvements in lieu of a homeowner's association.
- d. Generally, convey all easements and dedications, public and private, for the construction, use and/or maintenance of roads or other access, drainage facilities, utilities and post-construction storm water management facilities on the Final Map. Specific conveyances include without limitation:
 - (1) Convey to the City by irrevocable offer of dedication, right of way coincident with the back of sidewalk along the frontage of Pheasant Lane and Pheasant Court.
 - (2) Convey to the City by irrevocable offer of dedication, an 8-foot public utility easement adjacent to all public street rights-of-way within the limits of the subdivision.
 - (3) Create minimum 10-foot wide private drainage easements encumbering all private drainage and stormwater treatment infrastructure serving more than one lot.
 - (a) Additional width may be necessary to provide 4-feet clear of the outside of all drainage and stormwater treatment infrastructure.
- e. Per City Ordinance O2010 18, file a Waste Reduction and Recycling Plan (WRRP) with the building permit application (which will be forwarded by Building Division staff to the C&DD Compliance Official/Materials Diversions staff). The WRRP form is provided by the City. No building permit shall be issued for any project until the Compliance Official has approved the WRRP. The plan shall document that recyclable materials shall be site separated for recycling to meet the requirement of the City's construction and demolition debris ordinance

recycling mandatory recyclables and exceeding overall 50% diversion. Official weight receipts for each load shall be obtained.

- f. Applicant or Developer shall enter into long term maintenance agreements with the City of Napa approved as to form and substance by the City Attorney and City Engineer, respectively, for long term maintenance, financing and monitoring for the on-site 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 agreements 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 agreements 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 agreements 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) 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.
 - (6) 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).

- g. Pay in full all account balances and current fees based on the rate in effect at the time of permit issuance. The fee amounts listed below are for informational purposes only as they are updated periodically. These fees include, but may not be limited to the following:

- (1) Street Improvement Fee (comprised of street and utility undergrounding components):

| | Land Use | Unit (DU) | Street Component Rate | Utility Underground Rate | Street Component Fee | Utility Underground Fee |
|-----------------------|------------------------|-----------|-----------------------|--------------------------|----------------------|-------------------------|
| New Use | Single Family Detached | 8 | \$1,358/DU | \$2,258/DU | \$12,304 | \$18,064 |
| Existing Use (credit) | Single Family Detached | 1 | \$1,358/DU | \$2,258/DU | (\$1,358) | (\$2,258) |
| | | | | | \$10,766 | \$15,806 |

- (2) Big Ranch Specific Plan Area Development Impact Fee.

| | Land Use | Unit (DU) | Big Ranch Specific Plan Area Development Impact Fee Rate | Big Ranch Specific Plan Area Development Impact Fee |
|-----------------------|------------------------|-----------|--|---|
| New Use | Single Family Detached | 8 | \$10,590/DU | \$84,720 |
| Existing Use (credit) | Single Family Detached | 1 | \$10,590/DU | (\$10,590) |
| | | | | \$74,130 |

26. Prior to Occupancy of the first unit, the Applicant shall:
- a. Submit an inspector's punch list indicating that all the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
 - b. Restore all adjacent off-site road surfaces to pre-project conditions.
 - c. 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.

- d. 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.
- e. The Applicant shall complete the Final Stormwater Inspection Sign Off form as specified in the Stormwater Control Plan and include the contractors and engineer of records signature verifying all post-construction bmp's have been installed and inspected as designed per the approved plans. A copy of the form may be requested from the Public Works Development Engineering Division – Stormwater Program.
- f. 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
- g. Prior to final Stormwater sign-off, all disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the site.
- h. Submit any remaining meter set and/or hot-tap fees to the Water Division at 1340 Clay Street, Napa, 94559.
- i. 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.
- j. 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.
- k. Provide a digital copy of the Improvement Plans that include all as-built or field changes, in digital AutoCAD format, compatible with the City's current version, and tied to the City's coordinate system.
- l. Within sixty (60) days of the final inspection, the applicant shall submit documentation (weight tags for the project debris), signed and certified under penalty of perjury, to the Compliance Official that the diversion requirement for the project per the approved WRRP has been met. Sign-off from Materials Diversion for a certificate of occupancy shall not occur until the weight tag documentation is approved. Non-compliance with the plan and City requirements may result in a fine.

City General Conditions

27. 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.
28. Unless otherwise specifically provided, each condition of this approval shall be satisfied prior to issuance of a Building Permit, or if a Building Permit is not required, prior to the commencement of use; however, in the event the subject approval is for a tentative subdivision map or parcel map, each condition shall be satisfied prior to final map approval. Applicant's (and landowner's, if different) execution of the City's improvement agreement with required security may be accepted in lieu of condition completion.
29. No use authorized by this permit may commence until after the Applicant executes any required permit agreement required by previously stated conditions of approval.
30. 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).
31. 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.
32. The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative 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-judicative 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.
33. 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 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.

34. 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.
35. 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.
36. 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.
37. 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.
38. This Tentative Map and Design Review Permit approval will take effect, are subject to expiration and revocation, and may be extended, all in accordance with the provisions NMC Chapters 16.20 and 17.68, as applicable. It is the responsibility of the applicant to understand and comply with all applicable provisions of the NMC. The NMC is available for review at the office of the City Clerk, 955 School Street, Napa, California, 94559, and can also be reviewed on the web at www.cityofnapa.org.

Section 6. This Resolution shall take effect immediately upon its adoption.


I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 20th day of February 2018 by the following vote:

AYES: Krider, Gentry, Sedgley


NOES: None

ABSENT: Mott, Techel

ABSTAIN: None

ATTEST: 
Dorothy Roberts
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney