



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1600 First Street
Mailing Address:
P.O. Box 660
Napa, California 94559-0660
Phone: (707) 257-9530
Fax: (707) 257-9522

June 8, 2012

Benjamin Donay
1800 27th Street
Sacramento, CA 95816

Re: Design Review Permit – PL12-0057 –1006 First Street (APN 003-167-010)

Mr. Donay:

On April 25, 2012 you submitted an application to the City of Napa requesting a Design Review permit for an exterior remodel, outdoor dining, and signage at 1006 First Street ("Starbucks Downtown"). This letter is to advise you that on June 8, 2012, the City determined that this project is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15301 (Class 1 – Existing Facilities). This letter is also to advise you that the City has approved the Design Review permit and associated plans for an exterior remodel, outdoor dining, and signage at 1006 First Street based upon the following findings:

1. The project design is in accord with General Plan policies encouraging retail uses that are oriented to the sidewalk and maintain an active street frontage in pedestrian-oriented parts of Downtown (Policy LU-6.1).
2. The project design is consistent with the Soscol Corridor/Downtown Riverfront Development & Design Guidelines which encourage outdoor dining areas on private property and reducing blank walls along pedestrian-oriented corridors (The Downtown Riverfront II.C.1 & IV.C).
3. As conditioned, the project design will not result in any detrimental impacts to the public health, safety, or welfare. The project site is located in the DC-486, Downtown Commercial, General Plan designation which is intended to provide for retail, administrative, recreational, entertainment, cultural uses, and hotels in the City's historic commercial area. The project site is also located within the CD, Downtown Commercial, Zoning district which is intended to provide for retail, administrative, recreational, entertainment, cultural uses, and hotels in the community's center and historic commercial core. The project site is also located within the :PE, Parking Exempt Overlay, Zoning district which is intended to provide for a pedestrian-friendly downtown and to relieve certain properties within the Downtown from on-site parking requirements. The use of the property as a food service establishment offering coffee, tea, and associated food products is allowed in the underlying land use designation and Zoning district, and the proposed exterior changes associated with the remodel, outdoor seating, and signage are consistent with the regulations contained in NMC Chapters 15.56, 17.10, 17.44, and 17.62.

This approval of a Design Review permit at 1006 First Street is subject to the following conditions of approval:

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION:

1. The plans submitted for building permits to install the elements approved as part of this Design Review permit shall conform substantially to the plans reviewed and approved by the City (date stamped received April 25, 2012, June 6, 2012, and June 7, 2012) and marked as Exhibits A – G.
2. Approval of this Design Review permit authorizes only those signs shown on the plans marked as Exhibits C and G and all other signage on the site shall conform to the City's Sign Ordinance. This permit

does not authorize any banners, sandwich boards, balloons, or other temporary signage inconsistent with the City's Sign Ordinance and any special event signs shall require submittal of an application to the City and approval prior to their installation on the project site.

3. The building permit plans shall locate the HVAC units (labeled as "HVAC 2" and "HVAC 3") consistent with the approved plans and in a manner that allows for the parapet to completely screen the units when viewed from First Street and Main Street.
4. Prior to occupancy, the recycling and waste enclosure shown on Exhibits E – F of the approved plans shall be constructed and inspected by the City for compliance with the approved plans. Recycling and waste containers shall be stored within the enclosure except when they are removed for pick-up or service by Napa Recycling and Waste Services. These containers shall not be removed and visible from the public right-of-way for more than 12 hours at a time to accommodate collection. No other materials may be stored in the alley located behind the business.
5. The property owner shall ensure that adequate recycling and waste collection service is maintained for all three tenants at the subject parcel and the property owner shall enter into a service agreement with Napa Recycling and Waste Services for collection not less than three-times per week. Should a change in collection be required, the property owner shall submit a request for additional service to the Community Development Department.
6. Approval of this Design Review permit authorizes the installation of two panels of glazing on Main Street where the placards for the adjacent wall mural are located, as shown on the approved project plans. This permit does not authorize altering the wall mural in any way; however, relocation of the placards associated with the wall mural may be relocated provided their relocation is approved by the Community Development Director or her designee prior to relocating the placards. The location of the relocated placards on the plans shown as Exhibit C is not approved as part of this permit.
7. The applicant shall obtain a building permit from the City prior to the commencement of any construction associated with this permit, including any changes located in the adjoining public right-of-way where a building permit and/or encroachment permit is required. Building permit issuance shall be subject to all other department and/or agency requirements and standards, including, but not limited to: the Building Division, Public Works Department, Development Engineering Division, Fire Prevention Division, Water Division, Napa Sanitation District, the Napa Housing Authority, the Napa Valley Unified School District, Napa Community Resources, and Napa County Environmental Management.
8. Construction activities shall be limited to specific times pursuant to Napa Municipal Code ("NMC") Section 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager or his designee for additional hours. The NMC further states that there will be: no startup of machines or equipment prior to 8:00 a.m. Monday through Friday; no delivery of materials or equipment prior to 7:30 a.m. or equipment past 6:00 p.m. Monday through Friday; and no servicing of equipment past 6:45 p.m. Monday through Friday.
9. This Design Review permit shall be valid for a period of two years following the expiration of the administrative action appeal period. In order to avoid expiration of the entitlements, the applicant shall obtain a building permit and have at least one building inspection prior to the expiration date. The applicant may also apply for the discretionary approval of an extension of the entitlements prior to the initial two year expiration.
10. Approval of this Design Review permit will be effective provided no appeals are received within 10 calendar days of this approval and the property owner's and applicant's signatures are obtained affirming that they have read, understand and agree to comply with the Conditions of Approval for Design Review Permit Application #12-0057 for an exterior remodel, outdoor dining, and signage at 1006 First Street (APN 003167-010).

COMMUNITY DEVELOPMENT DEPARTMENT – BUILDING DIVISION:

11. Prior to commencement of any outdoor dining, the applicant shall schedule an inspection with the Building Division, Planning Division, and Fire Department to ensure that the after-hour storage of tables

and chairs are in compliance with egress standards and are properly stored to eliminate aesthetic impacts as viewed from the public right-of-way and adjoining properties.

FIRE DEPARTMENT – FIRE PREVENTION DIVISION:

12. The width of the exit system shall be maintained; tables and chairs shall not obstruct the means of egress along the path of exit travel. At time of building permit application, the applicant shall provide plans/details defining the location of storage for patio furniture when not in use or when stored after-hours. At no time shall the means of egress or access be blocked by such equipment.
13. All projects shall comply with the requirements of the California Fire Code, Chapter 10, Means of Egress, including but not limited to, exit signs, exit doors, exit hardware, and exit illumination.

PUBLIC WORKS DEPARTMENT – DEVELOPMENT ENGINEERING DIVISION:

14. Applicant to follow Best Management Practices (“BMPs”) to ensure trash, debris, organic materials, oil and grease, Toxic chemicals in cleaning products, disinfectants, and pesticides do not enter the City's stormdrain system.
15. The applicant shall follow City of Napa Stormwater Pollution requirements in NMC Chapter 8.36 to avoid or eliminate “Illicit Discharges” into the City's stormdrain system.
16. The applicant shall follow Stormwater BMPs as required by Napa County Department of Environmental Management.

PUBLIC WORKS – WATER DIVISION:

17. Prior to final building permit sign-off, the applicant shall:
 - a. Install an approved backflow prevention device (RP device) on the existing commercial water service.
 - b. Submit certification that all backflow devices have been installed and tested by an AWWA certified tester (a list of testers can be provided by the Water Division)
 - c. Complete the water demand mitigation requirements of this project as specified by the City's Water Division. The applicant will be contacted by the Water Division after obtaining a building permit specifying the requirements for the proposed project.
18. Prior to approval of the building permit, the applicant shall:
 - a. Contact the City of Napa Fire Prevention Division to determine fire sprinkler requirements.
 - b. Submit a civil plan outlining the size and type of all new water service(s), as well as locations of all backflow devices. Note: the applicant shall submit plans for any device(s) proposed to be placed inside a utility closet; plans shall outline specific details of the utility closet and device installation specifications.
 - c. Submit all required connection fees at the Water Division office, 1340 Clay Street, Napa.
19. Prior to final building permit sign-off, the applicant shall:
 - a. Abandon the existing water service and relocate it outside of the existing driveway on Main Street.
 - b. Submit any remaining meter set and/or hot-tap fees to the Water Division at the time of installation. Fees shall be submitted to the Water Division office at 1340 Clay Street.

- c. Install approved backflow prevention devices on all new and existing commercial and fire water services. Note that the visual impacts for all above-ground backflow devices shall be reviewed and approved by the Planning Division prior to issuance of a building permit on the project site.
- d. 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.
- e. Complete the water demand mitigation requirements of this project as specified by the Water Division. The applicant will be contacted by the Water Division after issuance of a building permit specifying the requirements for the proposed project.

COUNTY OF NAPA – ENVIRONMENTAL MANAGEMENT DEPARTMENT:

- 20. Prior to issuance of a building permit, the applicant shall submit food plans for review by the Environmental Management Department.

NAPA SANITATION DISTRICT:

- 21. A plan showing the required sanitary sewer improvements conforming to Napa Sanitation District standards shall be submitted to the District for approval.
- 22. The proposed development shall be subject to the following fees, based on the rates in effect at the time they are paid:
 - a. Plan Check Fees (presently \$40.00 per lot)
 - b. Inspection Fees (presently \$35.00 per each 4" onsite lateral)
 - c. Capacity Charges (presently a minimum of \$6,000.00 per each commercial unit / tenant space, located within the proposed building. The capacity charge may be higher depending on the number of fixture units installed within each commercial unit / tenant space. The owner shall contact the District for additional information.)

GENERAL:

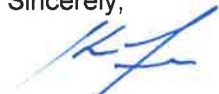
- 23. Outdoor speakers are not permitted as a part of this approval.
- 24. The plans submitted for building permit review shall include a written analysis specifying how each of the conditions of approval have been addressed or incorporated into the building plans.
- 25. Unless otherwise specifically provided, each condition of this Design Review permit approval shall be satisfied prior to issuance of a building permit, or where a building permit is not required, prior to the commencement of use.
- 26. No use authorized by this permit may commence until after the applicant and property owner execute any required permit agreement.
- 27. The 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).
- 28. The applicant shall design and construct all improvements and facilities shown on any approved site plan or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved tentative map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.

29. 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.
30. To the full extent permitted by law, the applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by the City or applicant so long as the City promptly notifies the applicant of any such claim, etc., and the City cooperates in the defense of same.
31. If the applicant is not the owner of the subject property, all City agreements must be executed by the property owner(s) as well as the applicant.
32. 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 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.
33. 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.
34. 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.

Also, please be aware that the signed Acknowledgment of Approval Conditions must be returned to the Planning Division before additional permits (i.e. building permits, encroachment permit, etc.) may be processed by the City.

This action is subject to all other City requirements. Appeals shall be filed prior to 5:00 p.m. on June 18, 2012. If you or any other aggrieved person have any questions regarding this action, or need any additional information, please contact me at 707.257.9354.

Sincerely,



Karlo Felix
Assistant Planner

Enclosures: Acknowledgement of Conditions of Approval

Copy: Project File
Chronological File