

RESOLUTION R2024-050

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF A USE PERMIT TO AUTHORIZE A DAYCARE WITH UP TO 250 CHILDREN AND OTHER YOUTH SERVICES, WITH REDUCED PARKING, ON THE PROPERTY LOCATED AT 15 CHAPEL HILL DRIVE, AND AFFIRMING THE PLANNING COMMISSION'S DETERMINATION THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, on December 6, 2023, Milli Pintacsi ("Applicant"), submitted an application (File No. PL23-0159) for a Use Permit ("Use Permit") pursuant to Napa Municipal Code ("NMC") Chapter 17.60 to authorize a daycare facility with up to 250 children and other youth services, with reduced parking (collectively, the "Project") at 15 Chapel Hill Drive (APN 006-162-001) ("Site"), and

WHEREAS, the application was subsequently deemed complete and accepted by the City as being consistent with the applicable submittal requirements on March 18, 2024; and

WHEREAS, on April 4, 2024, the Planning Commission considered the Use Permit application and all written and oral testimony submitted to them at a noticed public hearing on the Use Permit, at which time the Planning Commission heard a presentation by staff recommending approval of the application, and took public testimony, and thereafter closed the public hearing; and

WHEREAS, on April 4, 2024, the Planning Commission adopted Resolution No. PC2024-02 approving the Use Permit and determining that the actions authorized by Resolution PC2024-02 are exempt from environmental review requirements under CEQA; and

WHEREAS, on April 15, 2024, the Alta Heights Neighborhood Coalition ("Appellant") appealed the Planning Commission's April 4, 2024, approval of the Use Permit, requesting that the City Council reverse the Planning Commission's approval of the Use Permit and its determination that the actions authorized by Resolution PC2024-02 are exempt from environmental review requirements under CEQA;

WHEREAS, the City Council of the City of Napa, State of California, held a noticed public hearing on May 21, 2024, on the subject appeal; and

WHEREAS, after considering evidence in the administrative record, including the record underlying the Use Permit application and the staff reports for the April 4, 2024, Planning Commission hearing and the May 21, 2024, City Council hearing, and presentations made during the public hearing on May 21, 2024, the City Council closed the public testimony portion of the public hearing, and Council deliberated on the appeal; and

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

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

Section 1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.

Section 2. The City Council hereby affirms the Planning Commission's determination that the Project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 (Categorical Exemptions; Class 1), which exempts minor alterations to existing private structures, and Section 15332 (Categorical Exemptions; Class 32) which exempts in-fill development. The exceptions to categorical exemptions identified in Section 15300.2 of the CEQA Guidelines are inapplicable because the Site 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, no unusual circumstances exist that would pose a reasonable possibility of having a significant effect on the environment, and the Project does not involve a property that is considered a historic resource. Based on this analysis, no significant environmental effects would result from the Project, and the use of categorical exemptions is appropriate.

Section 3. The City Council hereby denies the Appellant's Appeal, thereby affirming the Planning Commission's decision on April 4, 2024, as modified by the City Council on May 21, 2024 as shown on Exhibit A hereto, to approve the Use Permit to authorize a daycare for up to 250 children and other youth services, with reduced parking at 15 Chapel Hill Drive as defined on the plans dated January 15, 2024, with revisions received February 26, 2024, and submitted as a part of the subject application, and makes the following findings in support of the denial:

The Use Permit is in accord with the General Plan.

The property is located within the Low-Density Residential General Plan Designation of the Napa 2040 General Plan, and the Single-Family Residential (RS-10) Zoning District and Hillside Overlay (HS) Zoning District. The General Plan and Zoning designations

primarily provide for developments of attached and detached single-family dwellings. However, day-care facilities are allowed in all residential designations in accordance with State law. Compatible uses such as daycare facilities may be considered, provided they meet the goals and objectives of the General Plan. The proposed childcare facility and youth services would be compatible with existing residences in the area, consistent with these policies, as children are a normal part of a residential neighborhood.

The Use Permit is in accord with 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.

Daycare facilities with more than 15 children, other uses "customarily incidental and clearly subordinate to conditional uses," other similar uses consistent with the General Plan, and requests for reduced parking may be established with Use Permit approval in the Single-Family Residential (RS-10) Zoning District.

With Planning Commission approval of the Use Permit as conditioned, the Project would be in compliance with the provisions of Napa Municipal Code Title 17, Chapters 17.08, 17.54, and 17.60, of the Zoning Ordinance. The Project application was circulated to relevant departments and agencies, and their comments and special conditions have been incorporated to ensure the Project would not pose a nuisance to the community. As conditioned, the Project would not cause negative impacts to the neighborhood nor result in impacts that would be detrimental to public health, safety, or welfare of the community.

Section 4. The City Council hereby directs staff to implement the land use entitlements for the Project identified in Planning Commission Resolution PC2024-02, with the amendments to Conditions of Approval numbers 30, 31, 32 and 33 shown on Exhibit "A," attached hereto and incorporated herein by reference.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 21st day of May 2024, by the following vote:

AYES: Luros, Painter, Narvaez, Sedgley


NOES: None

ABSENT: Alessio

ABSTAIN: None

ATTEST: 
Tiffany Carranza
City Clerk

Approved as to form:



Sabrina S. Wolfson
Interim City Attorney

EXHIBIT A

RESOLUTION NO. PC2024-02

(as modified by Planning Commission
on April 4, 2024 and City Council on
May 21, 2024. Omissions are shown
in ~~strikethrough~~ and additions are
shown in **bold double-underline**)

RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A
USE PERMIT TO AUTHORIZE A DAYCARE WITH UP TO 250
CHILDREN AND OTHER YOUTH SERVICES, WITH
REDUCED PARKING, ON THE PROPERTY LOCATED AT 15
CHAPEL HILL DRIVE, AND DETERMINING THAT THE
ACTIONS AUTHORIZED BY THIS RESOLUTION ARE
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA).

WHEREAS, on December 6, 2023, Milli Pintacsi ("Applicant"), submitted an application (File No. PL23-0159) for a Use Permit ("Use Permit") pursuant to Chapter 17.60 of Title 17 (the "Zoning Ordinance") of the Napa Municipal Code ("NMC"), to authorize a daycare facility with up to 250 children and other youth services, and to allow reduced parking (collectively, the "Project") at 15 Chapel Hill Drive (APN 006-162-001) ("Site"), and

WHEREAS, the application was subsequently deemed complete and accepted by the City as being consistent with the applicable submittal requirements on March 18, 2024; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 04, 2024, on the Use Permit, where it considered all written and oral testimony submitted to it, including a presentation by Staff; and

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

Section 1. The Planning Commission hereby finds that the facts set forth in the recitals to this Resolution are true and correct and help to establish the factual basis for the Planning Commission's adoption of this Resolution.

Section 2. The Planning Commission hereby determines that the Project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 (Categorical Exemptions; Class 1), which exempts minor alterations to existing private structures, and Section 15332 (Categorical Exemptions; Class 32) which exempts in-fill development. The exceptions to categorical exemptions identified in Section 15300.2 of the CEQA

Guidelines are inapplicable because the Site 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, no unusual circumstances exist that would pose a reasonable possibility of having a significant effect on the environment, and the Project does not involve a property that is considered a historic resource.

Based on this analysis, no significant environmental effects would result from the Project, and the use of categorical exemptions is appropriate.

Section 3. The Planning Commission hereby approves the Use Permit for the Project as defined on the 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, applicable specific plans, the objectives of the zoning ordinance, and the purposes of the district and overlay district in which the Site is located.

The property is located within the Low-Density Residential General Plan Designation of the Napa 2040 General Plan, and the Single-Family Residential (RS-10) Zoning District and Hillside Overlay (HS) Zoning District. The General Plan and Zoning designations primarily provide for developments of attached and detached single-family dwellings. However, compatible uses such as daycare and residential care facilities may be considered, provided they meet the goals and objectives of the General Plan. The proposed childcare facility and youth services would be compatible with existing residences in the area, consistent with these policies, as children are a normal part of a residential neighborhood. On-site parking for employees would be accommodated, there would be no drop-off or pick-up of the children in the public right-of-way, and the hours of operation for the daycare facility and ancillary uses would generally be limited to the daytime, except for some ancillary uses such as the gymnasium, which would function completely indoors until 8 p.m. at the very latest. The Project, including the request for reduced parking, could be found to be consistent with the following goals and policies outlined in the Napa 2040 General Plan:

Policy LUCD 6-4 supports flexibility in land use designations to respond to changing and evolving economic needs and promotes a mix of uses in appropriate locations and settings. Napa County has continued to have a shortage of childcare spaces, particularly infant care spaces, which serve children aged 0-12 months. The Applicant was the recipient of funding from Napa County's funds obtained from the American Rescue Plan Act (ARPA) to assist in the creation of a daycare facility with a focus on infant care, so this Project would respond to the demonstrated economic need for childcare in the City and may also serve the greater Napa County population.

Policy LUCD 10-1 seeks to preserve the character of existing residential neighborhoods while promoting 'complete neighborhoods' with safe and convenient access to the goods and services needed for daily life. The Project includes minor modifications to the existing structure, including the removal of a steeple from the primary façade and a small addition for accessibility

improvements, which would not be visible from the public right-of-way. The removal of the steeple and the small addition would not significantly impact the building's mass or encroach into the existing setback, thereby maintaining the existing lot pattern and setbacks to adjacent residential properties. The Project intends to adaptively reuse the existing structure, which has existed at the site since the mid-1950s, making this long-standing structure an appropriate location for daycare and ancillary uses due to the site's proximity to residential, educational, and quasi-public uses. Educational and childcare uses are often located in residential districts where they can conveniently serve community members. As conditioned, the Project would be sensitive to the surrounding residential uses and would not detract from the residential character of the existing neighborhood.

Policy LUCD 10-3 Allows for convenient supporting services and alternative residential types to meet special needs by permitting recreational uses, public and quasi-public uses, public assembly, daycare, and congregate living facilities when they meet the neighborhood development, design, and compatibility standards. Although the proposed daycare would be a conversion of the previous use, the Project has been conditioned with respect to noise and traffic to be compatible with the surrounding residential and educational uses. Facilities such as the proposed daycare would be supportive of a good residential quality of life by providing direct support to families seeking childcare and youth services in the community. As conditioned, the Project would be compatible with the residential neighborhood as it provides adequate parking for employees, on-site circulation, and limitations on the number of children and employees allowed at the facility.

Policy CSPR 4-7 Supports efforts for high-quality and affordable preschool and childcare facilities and programs in order to reduce the equity divide in education. The proposed daycare's holistic curriculum would emphasize the importance of outdoor play, critical thinking, and practical skill building. There is also a major focus on Spanish immersion, which would be practiced in all classrooms. Spanish Immersion is beneficial for enrolled students, parents, and their caregivers, considering that approximately 40 percent of the City of Napa's population is Hispanic, with expected growth in the future. The Applicant also indicated that a portion of the childcare spaces would serve low-income families, helping to reduce the economic divide in access to childcare.

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

The Project application was circulated to relevant departments and agencies, and their comments and special conditions have been incorporated to ensure the Project would not pose a nuisance to the community. As conditioned, the Project would not result in impacts that would be detrimental to public health, safety, or welfare of the community and City.

- C. The proposed use complies with each of the applicable provisions of the zoning ordinance.

Daycare facilities with more than 15 children, other uses “customarily incidental and clearly subordinate to conditional uses”, requests for reduced parking may be established with Use Permit approval in the Single-Family Residential (RS-10) Zoning District. With Planning Commission approval of the Use Permit as conditioned, the Project would be in compliance with the provisions of Napa Municipal Code Titles 17.08, 17.54, and 17.60 of the Zoning Ordinance.

- D. The proposed use complies with any other applicable findings required under other chapters of this title for the specific use.

There are no other applicable findings required under other chapters of this title for the proposed use.

Section 4. The Planning Commission’s approval of the Use Permit and Design Review Permit is subject to the following conditions:

COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

1. This Use Permit authorizes a daycare facility for up to 250 children and other youth services, and a reduction in parking. This approval is based on Project plans dated February 26, 2024, (**Attachment 2** of the April 04, 2024, Planning Commission Staff Report), as approved by the City and as modified by these conditions of approval (hereafter, the “Application Plans”).
2. The site shall maintain 97 (95 usable spaces) vehicle parking spaces, which accounts for authorization under this Use Permit for the following parking deficits for the different uses approved:
 - a. Weekdays (M-F, 7:30 a.m. to 5:30 p.m.): 10 spaces
 - b. Weeknights (M-F, 5:30 p.m. to 8:00 p.m.): 24 spaces
 - c. Weekends (Saturday & Sunday, 9:00 a.m. to 8:00 p.m.): 53 spaces
3. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements and conditions of the Use Permit.
4. Should the Planning Manager determine that the business causes a nuisance, this application shall be reviewed for new conditions of approval, modified conditions of approval, or, if necessary, revocation of the permit consistent with Section 17.68.150 of the Zoning Ordinance.
5. The hours of the childcare operation shall be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday, except for one (1) night per month, when Date Night Services are offered.

6. During Date Night services, up to thirty (30) children would be authorized to be in care from 5:30 p.m. to 8:00 p.m.
7. Date Night services shall only occur one (1) night per month.
8. The hours of the gymnasium/multi-use space operation shall be limited to 5:30 p.m. to 8:00 p.m. Monday through Friday, and 9:00 a.m. to 8:00 p.m. on weekends.
9. No sports tournaments shall be held in the gymnasium/multi-use space.
10. The hours of the community playroom operation shall be limited to 9:00 a.m. to 12:00 p.m. and 2:00 p.m. to 5:00 p.m. Monday through Friday, and 9:00 a.m. to 4:00 p.m. on the weekends.
11. The number of children in childcare under the facility's license shall not exceed 250.
12. The number of employees shall not exceed 55 persons.
13. At the time of the building permit submittal, the Applicant shall submit a fencing, landscaping, and lighting plan, which will be reviewed and approved by the Planning Manager.
14. Creeping vines or some other landscape vine material shall be planted along the fence and demonstrated in the fencing, landscaping, and lighting plan for review and approval by the Planning Manager.
15. Exterior lighting shall be directed or shielded so as to prevent glare onto public streets and abutting residential properties, pursuant to NMC Section 17.10.040(K).
16. As shown on the site plan, the eleven (11) parking spaces directly east of the site shall be used for rapid pick-up and drop-off. Outside of childcare hours and designated drop-off and pick-up times, these spaces shall be used as standard parking spaces.
17. Signage, or some other form of communication, shall be installed at the eleven (11) parking spaces directly East of the primary structure, detailing the hours in which the parking spaces are reserved for pick-up and drop-off only.
18. No commercial tenant signage is approved with this Project. The Applicant shall submit a separate Sign Plan Check application to the Planning Division for review of commercial tenant signage. Consistent with the City's Sign Ordinance, no portable (e.g., A-frame) signs are permitted.
19. No outdoor sound amplification system is approved for the Site as a part of this application.
20. Driveway access to the parking areas shall be secured during hours of non-operation.

21. All awnings, covered walkways, and shade covers shall be maintained in good repair and shall either be removed or replaced when noticeably worn.
22. Play structures shall be maintained in good repair and shall either be removed or replaced when noticeably worn.
23. Pursuant to NMC Section 17.52.370, there shall be a minimum vertical clearance of 8 feet between the grade and the lowest part of the awnings, covered walkways, and shade covers.
24. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.
25. Any work that requires plans to be submitted for building permits or improvement plans shall conform substantially to the Application Plans, and these conditions of approval.
26. All plans submitted for a building permit shall include building elevations that provide the same architectural detail found on the front elevation for all elevations.
27. All project conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for the 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.
28. The Applicant shall ensure that all landscaping shall be maintained in a healthy, weed-free condition.
29. Construction activities shall comply with NMC 8.08.025.
30. **The Applicant's use of the Site shall be limited to the uses identified in Attachment 1 to this resolution, except that the following uses are prohibited:**
 - a. **Adult-only parties or events, weddings, anniversary parties, retirement parties, and/or sports tournaments;**
 - b. **Rental of any outdoor spaces; and/or**
 - c. **Any use determined by the Community Development Director that is not subordinate, similar, or otherwise ancillary to the primary use.**
31. **The Applicant shall make a presentation to the City Council 1-year from the date of commencement of daycare operations on the Site to demonstrate compliance with the obligations of this Use Permit.**
32. **The Site shall not be used for more than one (1) special event per year, and the maximum attendance at such event shall be 150 people.**

33. No more than one (1) single-day license from the California Department of Alcoholic Beverage Control (ABC) may be used on the Site per calendar year.

NAPA SANITATION DISTRICT

34. Prior to the issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District Confirming that the Applicant has complied with all Napa Sanitation District Requirements applicable to the Project as stated in its letter dated March 5, 2024, and attached as **Attachment 2**.

FIRE DEPARTMENT – FIRE PREVENTION DIVISION

35. The Project shall comply with all applicable provisions of NMC Chapter 15.04.

PUBLIC WORKS DEPARTMENT

36. Approval of this Project shall be subject to the requirements of (and all improvements shall be constructed in accordance with) the Napa Municipal Code (NMC), the City of Napa Standard Specifications and Standard Plans (dated January 2022) (CON Standards), including any supplemental updates.
37. If there is any work in, or impacts in, the public right-of-way (ROW), the Applicant shall contact the Public Works Department and obtain an Encroachment prior to the start of work. This includes but is not limited to:
- a. The Applicant shall repair any cracked, damaged, or displaced sidewalk, curb, gutter, or driveway approach on the Project frontage.
 - b. Any impacts to the pedestrian path of travel. Including detours, staging, etc.
38. The Applicant shall provide pedestrian improvements and traffic calming along Montecito Boulevard between the Project site and East Avenue. Pedestrian improvements shall include the construction of a sidewalk along the north side of Montecito Boulevard, extending along the project's frontage and continuing west of the project Site to connect to the existing sidewalk adjacent to Alta Heights Elementary School. Curb adjacent sidewalk consistent with the alternate residential sidewalk section per City of Napa Standard Drawing S-4 shall be allowed. Final alignment of pedestrian improvements and traffic calming features shall be subject to review and approval by the City of Napa Public Works Director. Any right-of-way necessary to complete these improvements shall be dedicated to the City of Napa.
39. Public street access points and street corners shall be designed to satisfy the City of Napa Visibility and Fencing Standard (CON Standards S-25). The sight distance and visibility triangle lines shall be shown on the grading and drainage plans. The visibility height limits are measured from the top of the curb of the fronting street to the top elevation of the obstruction.

40. The Applicant shall pay a proportionate fair-share fee, as determined by the City Engineer, to the City of Napa for improvements at the intersection of Silverado Trail/Third Street/East Avenue/Coombsville Road to mitigate the addition of project trips contributing to existing pre-project Level of Service (LOS) deficiencies at the intersection.
41. The Applicant shall pay Street Improvement Fees in accordance with the Master Schedule of City Fees and Charges effective at the time of issuance of a building permit (Policy Resolution 16). The current rates for the Street Improvement Fee (effective July 2023) for this Project are as follows:

	Land Use	Unit	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Day Care Center	250	\$136/child	\$9/child	\$34,000	\$2,250
	Recreation Center (Moderate Service)	4.427	\$4,109/KSF	\$273/KSF	\$18,191	\$1,209
Existing Use (credit)	Church	19.638	\$2,388/KSF	\$160/KSF	(\$46,896)	(\$3,142)
					\$5,295	\$317

UTILITIES DEPARTMENT – SOLID WASTE AND RECYCLING DIVISION

42. Prior to the issuance of a building permit, the Applicant shall:
- If the proposed project exceeds (a) \$100,000 in building valuation; or (b) exceeds 5,000 sq. ft. of new, improved, or remodeled areas, the Applicant shall meet the requirements of City Ordinance O2010 18 and file a Waste Reduction and Recycling Plan (WRRP) for review and approval by the Solid Waste & Recycling Division with the building permit application. No building permit shall be issued for any project until the Compliance Official has approved the WRRP. The plan shall document that recyclable materials shall be separated for recycling in order to meet the requirement of the City's construction and demolition debris ordinance - recycling mandatory recyclables and exceeding overall 50% diversion.
 - Submit a civil/site plan for review and approval by the Solid Waste & Recycling Division identifying the solid waste, recyclable materials, and compostable materials collection plan in accordance with NMC Section 17.52.390 and the City's "Solid Waste, Recyclable Materials & Compostables Enclosure Standards". If cart-only service is being requested, indicate on the site plan the quantity of carts for each waste stream (solid waste, recycle, and compost/yard trimmings), identify the

location where the carts will be stored on-site as well as where they will be placed for pick-up by the City's authorized collection vehicle.

43. Prior to the issuance of a Certificate of Occupancy, the Applicant shall:
- a. Submit official weight receipts/tags for each load generated by the Project for review and approval by the Compliance Official.

UTILITIES DEPARTMENT – WATER DIVISION

44. Prior to issuance of a building permit submittal, the Applicant shall:
- a. Submit a utility plan for review and approval by the Utilities Department identifying the following information:
 - i. Size of existing water service(s) to property;
 - ii. Existing water main(s) and applicable tie-in locations, details, etc.;
 - iii. Abandonment of any existing unused water service(s);
 - iv. Installation an appropriately sized water service(s) with approved backflow prevention device(s). If there is no existing backflow prevention device, one must be installed. The type of backflow device(s) required to be installed shall be determined by the Utilities Department Cross-Connection Specialist.
 - v. Installation of a sufficient number of fire hydrants on all public water facilities as directed by the Fire Marshal at City approved locations;
 - vi. Installation of a sufficient number of water main valves at City-approved locations;
 - vii. Relocation of any affected water facilities and/or appurtenances.
 - viii. Size and location of all proposed water services (residential, fire, irrigation, etc.);
 - ix. Meter boxes and water services shall be located a minimum of 3-ft outside any vehicular travel ways;
 - x. Water services and meters shall be installed per City Standards within the public right-of-way or dedicated public utility easement;
 - xi. Construction of improvements (permanent structures, other utilities, etc.) shall meet the minimum required clearances from all public water infrastructure per City Std W-18, W-22A, and W-22B;
45. Submit a fixture count worksheet for all existing and proposed connections to the domestic water service for review and approval by the Utilities Department to ensure water service size(s) meets proposed demands. Undersized services are not allowed.
46. Submit fire sprinkler plans (if applicable) to the Fire Prevention Division for review and approval. The water service size required to meet fire sprinkler demands shall be consistent with the water service size on the Civil plan set.
47. Show compliance with Napa High Performance Building Standards on the building permit plan set. This requirement can be met by listing the make and model of each plumbing fixture, or by labeling each fixture with the maximum flow rate. (see table for fixture requirements)

Plumbing Fixture	High Performance Building Standard
Toilet	Shall not exceed 1.28 gallons per flush(gpf). Must be certified U.S. EPA WaterSense
Showerhead	Shall not exceed 1.8 gallons per minute (gpm) at 80 psi. Must be certified U.S. EPA WaterSense
Bathroom Faucet	Shall not exceed 1.2 gpm at 60 psi
Kitchen Faucet	Shall not exceed 1.5 gpm at 60 psi
Dishwasher	Shall be "Energy Star"
Clothes washer	Shall be "Energy Star"

48. Submit all required water service capacity/connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559.
49. Prior to Occupancy, the Applicant shall:
- Submit remaining fees (hot-taps, meter sets, etc.) to the Water Division at 1700 Second Street, Suite 100, Napa, CA;
 - Construct all water improvements as shown on the approved plans, the City of Napa Public Works Department Standard Specifications, and the special conditions listed above;
 - Designate applicable on-site private fire hydrants as private per City Std W-8;
 - Request backflow device inspection from the City of Napa Water Division. Call (707) 257-9544 at least 48 Hours in advance of the requested inspection time;
 - 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;
50. Prior to the Building Permit Final Inspection, the Applicant shall:
- Submit a record drawing outlining as-built conditions of the completed water system improvements in both electronic and print copy formats.

CITY GENERAL CONDITIONS

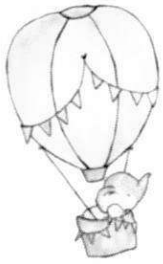
51. The plans submitted for improvement plan review and building permit review shall include a written analysis specifying how each of the conditions of approval have been addressed or incorporated into either the improvement plan set or building plan set.
52. Unless otherwise specifically provided in this resolution, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.
53. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at the time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
54. No use authorized by this permit may commence until after the Applicant executes any required permit agreement required by previously stated conditions of approval.
55. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, plans, 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.
56. The time limit within which to commence any lawsuit or legal challenge to any decision made by the City in connection with the application (File No. PL23-0159) 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 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.

57. 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 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.
58. 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.
59. 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 an exaction.
60. 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.
61. The Use Permit shall become effective on the day following Planning Commission's approval of this Resolution, is subject to expiration and revocation, and may be extended, all in accordance with the provisions in NMC Chapter 17.68, as applicable.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Planning Commission of the City of Napa at a regular meeting of said Planning Commission held on the 4th day of April 2024, by the following vote:

AYES: HUETHER, KELLEY, MASSARO, SHOTWELL
NOES:
ABSENT:
ABSTAIN:
RECUSED: MYERS

ATTEST: _____
RICKY CAPERTON
SECRETARY OF THE PLANNING COMMISSION



ATTACHMENT 1

le petit elephant

* infant nursery * preschool * TK/jr kindergarten *

LePetit Elephant Nursery and Preschool Child Development Center Use Permit Application Written Narrative

Le Petit Elephant Nursery and Preschool's Child Development Center will be located at 15 Chapel Hill Drive Napa CA 94559, a permanent home for child development in Napa County and a long-awaited solution to the severe shortage of high quality infant care in Napa County. Founded in 2015 by a mother for her own child, LPE is currently the largest infant and preschool childcare provider in Napa County, serving 128 children daily with a waitlist of 43 families (and growing).

LPE's Child Development Center will be open Monday through Friday, 7:30a-5:30p year around to serve the working families of Napa County. It will offer an outdoor- based program rooted in a mindful combination of the Reggio Emilia/Waldorf/Montessori/RIE pedagogies aimed at supporting the education of healthy, well-rounded children in preparation for primary school. The classrooms will be large, well-lit classrooms filled with natural materials and elements from nature. The walls will be neutral and void of loud colors, and they will mostly serve to display the children's art work and creations. This lack of "visual noise" helps to maintain a sense of calm in the classroom and lends to a beautiful space for children to grow and thrive in.

The new location for LPE at 15 Chapel Hill Drive in Napa will be a hub for child development in Napa. LPE's offerings will help to support all families with young children in Napa County. We will offer:

- 220 childcare spaces for families for children ages 0-5 years including small group TK/Kindergarten, Monday-Friday 7:30a-5:30p.
- 30 aftercare offerings for school-age children ages 5-12 years will be available Monday through Friday from mid-August until mid-June after school (generally from 3PM) until 5:30pm. Transportation will be provided to pick up children from local elementary schools in two vans.
- Note that the combination of daycare aged children (0-5) and school aged children (5-12) shall not exceed 250 total children.
- The after-school program will transition into a summer camp program offered during summer from 7:30-5:30PM for up to 30 school aged children. The total number of children including summer camp and school aged children is 250. Summer camp and school aged children's programs will be hosted in a separate indoor area from daycare programs.

ATTACHMENT 1

- Meals may be prepared and offered onsite only to children attending the school but are not currently a part of the school's planned program.
- 55 Employees consisting of teachers, aids, and administrative staff.
- 30 affordable Summer/Winter/Spring Break camp spaces for school-age children ages 5-12 will be available from mid-June to mid-August from 7:30a-5:30p, Monday through Friday based in our gymnasium space on campus in order to keep children engaged all summer and allow their parents to work. Summer camp will take place in a separate space on the campus (not integrated with the childcare space) and will include cooking, music, sports, theatre, art, creative play and field trips into the community.
- Including school-age children, there would be up to 250 children on site at any given time Monday-Friday maximum if we are licensed for 220 children 0-5 years old and 30 school-age children 5-12 years old. The licensed childcare capacity would indicate the number of children that we can accommodate at a time on any given day. 220 children ages 0-5 years old Monday-Friday 7:30a-5:30pm and 30 school-children ages 5-12 3p-5:30p Monday-Friday during the school year and 7:30a-5:30p Monday-Friday during school holiday breaks.
- An on-site kitchen and there may be meals provided.
- Weekly music and movement classes
- Spanish immersion classrooms
- An indoor playroom shall be open to the public for parents/caregivers to attend with their child for indoor imaginative play, circle/music/story time, gross and fine motor activities and developmentally appropriate curriculum for ages 0-5 years led by an instructor daily. Available to the Napa community on a per day or monthly membership basis and a separate indoor space than our childcare. It will be open to members who join the indoor playroom program, it will be open weekdays 9am-12pm and then again 2-5pm. It is a separate use from the daycare, it will not be licensed for childcare. The indoor playroom is offered in lieu of an additional 22 spots for daycare activities.
- A large indoor playroom for birthday parties for ages 0-5 years old year-round, available for the Napa community to book and rent. The playroom would be available for rent on Weekends from 9am-4pm.
- A gym space with a full basketball/volleyball court for youth leagues to utilize throughout the year for practices outside of the childcare center's hours of operation. It will be available for the public to rent outside of childcare hours. It will be available for rent on Weekdays 5:30pm-8pm and Weekends from 9am-8pm. We plan to make it available for the needs of youth in Napa for sports practices,

ATTACHMENT 1

tournaments, plays, performances, etc. The space is also available as rentable indoor community space for special events for Napa residents to rent for retirement/anniversary/birthday parties, Boys/Girl Scouts meetings, Napa Moms Preschool performances, plays/musical recitals/community puppet shows on the fully equipped stage. Occupancy and operations can be limited to a reasonable number.

- A large Childrens Garden is being built for the children enrolled with us to tend to and learn about gardening and healthy eating.
- Spacious playground spaces with shady trees and play structures for children to learn healthy risk-taking skills and gain strength, balance, and confidence in their physical abilities.
- Monthly date nights which allow parents to enjoy an evening out while their children remain with their teachers and friends at school until 8pm. Date nights are offered once a month. *There will be a maximum of 30 children attending Date Night.*

Traffic Circulation

Traffic can both enter and exit off of Chapel Hill Drive and Montecito Blvd. All children must be accompanied by a parent and sign in and out during pickup and drop-off. Consequently, there will be no pickup or drop-offs allowed on Chapel Hill Drive or Montecito Blvd. Parking spots fronting the church shall be reserved for pickup and drop-off to facilitate quicker ingress and egress from the property. LPE is open to feedback from the community on traffic circulation. The parking lot configuration allows for options favorable to the local community.

LPE is very mindful of the impact it will have on the neighborhood and based on conversations with immediate neighbors on Chapel Hill, there appears to be an overall excitement about the prospect of a childcare center coming to the site. To help ease the flow of traffic, drop off times at LPE will be staggered between 7:30am to 9am with occasional drop offs between 9am to 11am at the latest. Pick up times will be staggered at 12:30pm, and then again between 3:30p-5:30p. Once a month on a Friday, pick up will be at 8pm for Date Nights for those who have signed their children up and it's often an average of 20 children per date night, *with a maximum of 30 children.*

Le Petit Elephant's Child Development Center will be a foundational cornerstone for families in Napa to have a space for their children to play, grow, learn and thrive. We pride ourselves in having provided high quality childcare in Napa since 2015 and we look forward to being able to take it to the next level with a Child Development Center aimed at supporting children ages 0-12 in Napa.

Thank you for your consideration and thank you for being a part of this landmark opportunity to secure a permanent home for child development at Le Petit Elephant Nursery and Preschool in Napa Valley.

Sincerely yours,

Milli Pal Pintacsi

Founder/Director

M.A. Columbia University: Developmental Psychology

MissMilli@LPEnapa.com

707-690-8797