

## EXHIBIT J

### **STANDARDS FOR MAINTENANCE AND SECURITY OF STREETS, PARKS AND OPEN SPACE**

#### **[Excluding Wetlands and Urban Farm]**

- I. MAINTENANCE SERVICES:
  - A. Scope of Work: Furnish all supervision, labor, material, equipment and transportation required to maintain the Park in a first class condition pursuant to the standards provided in this Exhibit J, "Park Maintenance, Standards and Security Plan" and to a quality standard equivalent to parks and open space located throughout Napa County and the City of Napa. All work and/or workers shall comply with applicable state, Federal, and local laws. Maintenance shall include the following:
    - 1. Landscape planting and irrigation system.
    - 2. Pavement cleaning and repair.
    - 3. Trash pick-up.
    - 4. Site lighting.
    - 5. Site furnishing.
    - 6. Fountain mechanical and electrical systems.
  - B. Work Force: The Park maintenance foreman should be experienced in landscape maintenance and should have an education in ornamental horticulture.
  - C. Materials: All materials used shall be compatible with the materials used to construct the Park. The County Parks Department shall upon request be given a list of the control chemicals used. Any maintenance contractor shall also provide records and copies of all fertilizers, herbicides, insecticides, fungicides, and other materials, applied to the Park premises. Records shall indicate dates, amount applied and person making the application.
  - D. General Tree and Shrub Care: Maintain trees, vines and shrubs in a healthy growing condition by performing all necessary operations, including the following:
    - 1. Watering: Plants should not be watered until a moisture check has been made of representative plants in the landscape. Use of a probe or other tool to check the moisture in the root ban as well as the soil surrounding the root ball. Maintain a large enough water basin around plants so that enough water can be applied to establish moisture through the major root zone. In the rainy season, open basins to allow surface drainage away from the root crown where excess water may accumulate. Use mulches to reduce evaporation and frequency of watering. Plants in terra cotta planters, if any, shall be hand irrigated.
    - 2. Pruning Trees:
      - a. Prune trees to select and develop permanent scaffold branches that are smaller in diameter than the trunk or branch to which they are attached, which have vertical spacing of from 18 to 48 inches and radial orientation so as to not overlay one another; to eliminate diseased or damaged growth; to eliminate narrow, V-shaped branch forks that lack strength; to reduce toppling and wind damage by thinning out crowns; to maintain growth within space limitations; to maintain a natural appearance; to balance crown with roots.

- b. Do not strip lower branches (raising up) of young trees. Lower branches should be retained in a “tipped back” or pinched condition with as much foliage as possible to promote caliper trunk growth [tapered trunk]. Lower branches ~~can be cut flush with the trunk~~ should be cut at the branch collar in accordance with ISA recommended pruning practices only after the tree is able to stand erect without staking or other support.
  - c. Evergreen trees should be thinned out and shaped when necessary to prevent wind and storm damage.
  - d. The primary pruning of deciduous trees should be done during the dormant season.
  - e. Damaged trees or those that constitute health or safety hazards shall be pruned at any time of the year as required. All pruning cuts shall be made to lateral branches, or buds or flush with the trunk. “Stubbing” will not be allowed.
3. Pruning Shrubs and Vines: The objectives of shrub and vine pruning are the same as for the trees. Shrubs or vines shall not be clipped into balled or boxed forms.
4. Trees, vines and shrubs should be checked for possible pruning a minimum of once per month.
5. Staking and Guying: When trees attain a trunk caliper of 4” consider removal of existing stakes and guys. If unstable at this time, replacement should be considered. Stakes and guys are to be inspected at least twice per year to prevent girdling of trunks or branches, and to prevent rubbing that causes bark wounds.
6. Weed Control: Keep basins and areas between plants free of weeds. This will reduce damage to tree trunks and roots by machinery and by excess water. Use recommended, legally approved herbicides wherever possible to control growth in this open area. Avoid frequent soil cultivation that destroys shallow roots and breaks the seal of pre-emergent herbicides. Great care must be employed when using systematic herbicides not to damage plantings. Any plantings destroyed should be replaced with material of the same specific type and site as the dead plantings when (seasonally) recommended by accepted horticultural methods and practices. Weeds with spreading underground rootstocks, must be hand dug to remove all invading roots.
7. Fertilization and Spraying
  - a. Fertilizer for shrubs, groundcovers, and ~~ground cover should be applied with no less than 18-8-4 two times yearly between early Spring and early Fall at rate of 10 lbs. per 1,000 sq. ft. Lawns should be fertilized every 90 days at rate of 8 lbs per 1,000 sq. ft. with 16-6-8 or approved equivalent slow release materials may also be used per manufacturer’s specifications if a good, healthy vigorous lawn should be applied as necessary for healthy growth and good color are maintained.~~
  - b. Apply insecticides as needed to protect all plant materials from damage, including slug and snail control.
  - c. Apply the proper fungicide, herbicide and pesticides for the control of pests, weeds and plant diseases. Also treat cuts and breaks on exposed surfaces of trees.

- d. Chemicals and insecticides used shall conform to applicable laws and standards.
- E. Ground Cover Care:
  1. Control weeds with pre-emergent weed herbicides and hand weeding. Do not damage plantings.
  2. ~~Apply four pounds of actual nitrogen per 1000 square foot per year in two to four applications during the first year of a new planting or if ground cover is nitrogen-starved. One application should be in early Spring when growth begins. Reduce to three pounds actual nitrogen in following years or as needed to maintain vigorous growth and good color.~~ Nitrogen for groundcovers should be applied as necessary for healthy growth Complete fertilizers are not desired unless soil test shows specific nutrient deficiencies.
  3. Water enough that moisture penetrates throughout root zone, and only as frequently as necessary to maintain healthy growth.
  4. A cleared circle 18" to 24" in diameter, should be maintained at the base of trees to reduce competition for nutrients by ground cover. A cleared strip 12" to 18" in width should be maintained at base of the palms.
  5. Edge ground cover to keep in bounds and trim tip growth as necessary to achieve an overall even appearance. Great care should be taken not to damage adjacent plantings when mowing.
  6. Control rodents, insects and diseases as necessary, using legally approved materials.
  7. Replace dead and missing plants. Plantings should be replaced with a time period of four weeks. All materials shall be of the same specific types and gazes as the ones destroyed.
- F. Lawn Care:
  1. The lawns should be kept generally weed free at all times.
  2. Mowing and edging: Mow, edge and trim lawns bi-weekly or as required to maintain an even, well groomed appearance.
  3. Renovation: Renovate lawns by verticuting and aerating as required.
- G. Vine Care:
  1. Pruning
    - a. Vines and espalier plants shall be checked and re-tied as required.
    - b. Do not use nails to secure vines.
    - c. Prune all vines on an annual basis using accepted horticultural practices.
    - d. Vines shall be pruned and maintained so as not to obstruct fixtures, signs, windows, etc.
  2. ~~Vines~~ Fertilizers for vines should be ~~fertilized with 1/4 lb. of 10-10-5, a minimum of two times per year~~ applied as necessary for healthy growth.
  3. Water as necessary to provide optimum growth.
- H. Irrigation Systems:
  1. Check and adjust sprinkle valves and heads as necessary.
  2. Program or reprogram irrigation controller as necessary.
  3. The irrigation system shall be kept in good working order and condition at all times. Any damages to the system caused by any contractor's operation should

be repaired without charge by that contractor. Repairs should be made within one watering period.

4. Faulty electrical controllers should be replaced as soon as possible.
5. In late Winter, all systems should be checked for proper operations. Lateral lines should be flushed out after removing the last sprinkler head or two at each end of the lateral. All heads are to be adjusted as necessary for unimpeded cover.
6. Set and program automatic controllers for seasonal water requirements. Watering schedule should be arranged so as not to interfere with the public's use of the Park.
7. An accurate up-to-date log must be maintained of all irrigation repairs, starting date of repairs, specific location, and nature of repair.

I. Paving:

1. Keep all paved areas free from foreign matter, wastes and trash on a regular basis. Concrete walk and unit paver areas should be steam cleaned as necessary, but in no event less than twice a year.
2. All paved areas should be cleaned of debris caused by maintenance operations or silting.
3. All plant growth should be prevented in cracks in walks or along paved areas within limits of service area.
4. Drains: All subsurface drains should be periodically flushed with clean water to avoid building of silt and debris. Keep all inlets to subsurface drains clear of leaves, paper, and other debris to ensure unimpeded passage of water, including the opening to all inlets, and perform any necessary maintenance to stormwater quality requirements such as filters.
5. Patch, repair or replace damaged paving as necessary to keep the area safe and suitable for children at play.

J. Fountains:

1. Daily regulation of fountain systems.
2. Routine maintenance of fountain mechanical and electrical systems as well as lighting associated with fountains.
3. Maintain water quality as specified in the Final Environmental Impact Report.
4. Periodically inspect mechanical and electrical systems. Repair and replace equipment as necessary.
5. Leaves and loose trash shall be removed from all fountains at least once a day.

K. Trash Pick-up:

1. Pick-up litter throughout the park and empty trash containers at least once a day.

L. Site Lighting:

1. Maintain site lighting.
2. Replace lamps as necessary.
3. Repair and replace damaged poles and luminaries.

M. Site Furnishing:

1. Clean and wipe benches as often as necessary to keep clean and tidy. Maintain all site furnishings including but not limited to drinking fountains, play equipment, seating, bollards, pergolas, gateways, trash containers in a clean condition. Replace damaged furnishings as necessary. Replace furnishings on a schedule

consistent with generally accepted park maintenance standards for parks within Inglewood.

- N. Debris Removal:
1. All debris accumulated as a result of maintenance operations should be removed from the site.
  2. All leaves, branches, paper and litter shall be removed from the premises.
- O. Graffiti Removal and Vandalism: All graffiti shall be removed from the Park and vandalism shall be repaired as quickly as is practicable.
- P. Corrective Action:
1. Weed control - Corrective actions shall be made as soon as reasonably practicable after receipt by the maintenance supervisor of such complaint.
  2. Plant Material Pruning - Within the limitations of these specifications, corrective action on complaints shall be made as soon as reasonably practicable after receipt by the maintenance contractor of such complaint.
  3. Plant Material Replacement - Dead and missing plants shall be replaced. All materials shall be of the same types and, where reasonably practicable, sizes as the ones destroyed.
- Q. Other Equipment:
- Unless otherwise set forth herein, other park equipment shall be maintained in accordance with manufacturers' warranties, manuals, and product specifications.
- II. **ADDITIONAL ACCESS, MAINTENANCE AND USE STANDARDS**
- A. Park Use: The use of the Parks shall be limited to both passive and active recreation purposes only, including, without limitation, leisure, social activities, picnics and barbecues, plazas and pavilions, playgrounds, and informal sports (i.e. jogging, walking, bicycling, etc.). Organized team sports that require dedicated fields are not permitted uses within the Parks. The Parks shall be developed in accordance with the terms and conditions of the Project Approvals approved by the County.
- B. Maintenance Standard: All of the Parks shall be operated, managed and maintained in a neat, clean, attractive and safe condition in accordance with the anticipated and foreseeable use thereof.
- C. Hours of Operation: The Parks should be open and accessible to the public, at a minimum, during the hours of 7:00 a.m. and 9:00 p.m., seven (7) days per week during Pacific Daylight Savings time, and during the hours of 7:00 a.m. and 6:00 p.m., seven (7) days per week during Pacific Standard time, unless reduced or modified hours are approved by Park operators or otherwise expressly provided for herein. No Person shall enter, remain, stay or loiter on the Parks when the Parks are closed to the public, except Persons authorized in conjunction with Special Events, or temporary closures as permitted or authorized service and maintenance personnel.
- D. No Discrimination: There shall be no discrimination against, or segregation of, any Person, or group of Persons, on account of race, color, religion, creed, national origin, gender, ancestry, sex, sexual orientation, age, disability, medical condition, marital status, acquired immune deficiency syndrome, acquired or perceived, in the use, occupancy, tenure or enjoyment of the Parks.

- E. Temporary Closure and Special Events:
1. Emergencies and Repairs: Landowner shall have the right, without obtaining the consent of the County or any other Person or entity (except as specifically set forth herein), to temporarily close the Parks to unauthorized Persons, at any time and from time to time for any one or more of the following:
    - a. In the event of an emergency, or danger to the public health or safety created from whatever cause (e.g., flood, storm, fire, earthquake, explosion, accident, criminal activity, riot, civil disturbances, civil unrest or unlawful assembly), Landowner may temporarily close the subject Park (or affected portions thereof) for the duration thereof, in any manner deemed necessary or desirable to promote public safety, security and the protection of Persons and property.
    - b. Landowner may temporarily close the subject Park (or applicable portion thereof) as is necessary to make such repair, maintenance and operation to the Park that the Landowner may deem necessary or desirable, and for such time as may be necessary to make such repairs and maintenance.
  2. Special Events: Portions of a Park may be closed for a period of up to twenty-four (24) consecutive hours, in connection with the use of the Parks for private special events including, without limitation, weddings, 4th of July celebrations, receptions, and assemblies (collectively, "Special Events"), and nothing herein limits the ability of park operators to provide for reservations of portions of a Park for private events. Prior to closing any Park for a Special Event, a notice of the impending closure at the major entrances to the subject Park shall be posted in advance of the Special Event. A payment of a permit fee or charge for the use of the Parks for Special Events.
  3. Public Events: Park operators may regulate and provide for the use of the Parks for meetings, receptions, seminars, lectures, concerts, art displays, exhibits, demonstrations, marches, conventions, parades, gatherings and assemblies that do not require the closure of the Parks for general use.
- F. Arrest or Removal of Persons: Landowner shall have the right (but not the obligation) to use lawful means to effect the arrest or removal of any person or persons who create a public nuisance, who otherwise violate the applicable rules and regulations, or who commit any crime including, without limitation, infractions or misdemeanors in or around the Parks.
- G. Removal of Obstructions: Landowner shall have the right to remove and dispose of, in any lawful manner it deems appropriate, any object or thing left or deposited on the Parks deemed to be an obstruction, interference or restriction of use of the Parks for the purposes set forth herein, including, but not limited to, personal belongings or equipment abandoned on the Parks during hours when public access is not allowed.
- H. Project Security During Periods of Non-Access: Landowner and successor Park operators shall have the right but not the obligation to block off the Parks or any portion thereof, and to install and operate security devices and to maintain security personnel to prevent the entry of Persons or vehicles during the time periods when access is not allowed.



- I. Temporary Structures: No structure of a temporary character, trailer, tent, shack, barn or other outbuilding shall be used on any portion of the Parks at any time either temporarily or permanently unless such structure is approved by Landowner.
  - J. Signs: Landowner and successor Park operators shall post signs at the major public entrances to the Parks, setting forth applicable regulations, hours of operation, and a telephone number or other contact information regarding security, management or other inquiries.
  - K. Prohibited and Restricted Activities: Rules and Regulations: Landowner shall take commercially reasonable efforts and actions to enforce the rules and regulations.
  - L. Limitation on Other Uses: No use by the public nor any person of any portion of the Parks for any purpose or period of time other than specifically described herein, shall be construed, interpreted or deemed to create any rights or interests to or in the Parks. The right of the public or any person to make any use whatsoever of the Parks or any portion thereof is not meant to be an implied dedication or to create any rights or interests in any third parties, and the Landowner expressly reserves the right to control the manner, extent and duration of any such use.
  - M. Commitments for Retail Plazas: The Retail Plazas shall include a variety of amenities which may include landscape, hardscape, benches and other seating areas, retail tenant and directional signage, passive recreation (e.g. water fountains, kiosks with items for sale, stages for entertainment, other seasonal entertainment, seating areas for restaurant dining and service of alcohol in specified areas). The Retail Plazas shall be open and accessible to the public, at a minimum, during the hours of operation of the Public Parks. However, Landowner may provide for different opening and closing times for the Retail Plazas in its sole discretion, including earlier closing times for any special events, promotional events or private events, or temporary closing in the event of an emergency or to undertake repairs or maintenance.
- III. STREETS. Maintenance associated with the street section of the proposed development shall include:
- A. Keeping all paved areas clean and free of debris by way of street sweeping, trash pickup and landscape debris clean-up. Streets shall be monitored for trash and landscape debris weekly; street sweeping shall be performed no less than once per month.
  - B. Plant growth shall be prevented along cracks within paved areas. Roadside vegetation shall be maintained to provide adequate sight distance at all locations in the street system.
  - C. Storm drain inlets shall be cleaned and free of debris, including the opening to all inlets, and any necessary maintenance to stormwater quality requirements such as filters.
  - D. Bioretention areas adjacent to streets shall be maintained to accept drainage and so as to not allow water to pond into street. Plantings shall be monitored and plants replaced as necessary until established.
  - E. The road sections within the development shall be checked routinely for pavement distress including alligator cracking, block cracking, distortions, longitudinal and transverse cracking, patching and utility cut patching, rutting and depressions, weathering and raveling. Should distress be noticed the pavement management program manager shall evaluate and suggest solutions including but not limited to: crack sealing, slurry sealing, cape sealing, asphalt overlay or reconstruction.

- F. Potholes shall be patched or repaired within ~~ten~~sixty (~~10~~)business60 days of being discovered or reported to the Landowner or its contractor.
- G. Traffic control devices (signs and pavement markings) shall be monitored for visibility and effectiveness, and shall be replaced as needed.

IV. AMENDMENT AND ADJUSTMENT

Landowner and its successor Park operators shall have authority, in the exercise of its commercially reasonable discretion, to modify, amend or adjust the standards and requirements in this Park Maintenance and Security Plan, after consultation with and opportunity to comment by the General Manager of the County Park and Open Space District, or his or her successor or designee, provided that any such modification, amendment or adjustment shall be consistent with the intent of these standards to maintain the Parks in a neat, clean, attractive and safe condition, generally consistent with comparable area public Parks, and in accordance with the anticipated and foreseeable use thereof.

Nothing herein shall require adherence to a standard or performance that is inconsistent with federal, state or local laws, regulations or policies, or environmental considerations such as, but not limited to, drought conditions and mandatory or voluntary water use restrictions.