

Mitigation Monitoring and Reporting – Napa Commerce Center Project

January 2009

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring Action/Schedule	Compliance (Name/Date)
Transportation, Circulation and Parking				
B.4: The project shall contribute its fair share to the cost of signalizing the Devlin Road/South Kelly Road intersection if it is determined, through monitoring, that provision of a signal is required to mitigate significant backups on one or more intersection approaches.	1. County requires as a condition of Use Permit. 2. Applicant to deposit project's fair share contribution with County Deposit based on percent project traffic added to intersection figures as identified in the EIR.	1. Planning Department. 2. Public Works Department	1. Incorporate into Use Permit Conditions of Approval. 2. County shall determine the project's fair share contribution after evaluation of project traffic two years from project occupancy.	
B.6: The project shall contribute its fair share to the cost of lengthening the SR29/South Kelly Road north bound left turn lane. The existing turn pocket may require lengthening by 375 feet to accommodate traffic of lengthening the SR29/South Kelly Road northbound left turn lane. The existing turn pocket may require lengthening by 375 feet to accommodate traffic.	1. County requires as a condition of Use Permit. 2. Applicant to deposit project's fair share contribution with County. Deposit based on proportion of project traffic using left turn lane as identified in the EIR.	1. Planning Department. 2. Public Works Department	1. Incorporate into Use Permit Conditions of Approval. 2. Prior to issuance of certificate of occupancy.	
B.7: If the Waste Transfer Station does not remedy existing backups on South Kelly Road related to their operations, the project sponsor shall construct a left turn lane on the westbound South Kelly Road approach to Devlin Road (extending back to SR29) to allow for inbound project left turn movements when backups from the Waste Transfer Station occur. If the Joint Powers Board does take action to eliminate Waste Transfer Station congestion on the South Kelly Road approach to Devlin Road, a left turn lane will not be needed in the near term to accommodate project-generated traffic. However, a shorter left turn lane would be needed by 2015.	1. County requires as a condition of Use Permit. 2. Applicant to obtain encroachment permit from Public Works Department. 3. Applicant completes improvement.	1. Planning Department. 2. Public Works Department	1. Draft condition and incorporate prior to Use Permit approval. 2. a. Prior to issuance of building permit, if problem not previously remedied by Joint Powers Board b. If problem remedied by Joint Powers Board, need for lane to be evaluated by Public Works Department in 2007, then bi-annually thereafter. 3. Prior to issuance of certificate of occupancy.	

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B.8: Implementation of Mitigation Measure B.6 Would mitigate impacts due to any weekend project construction traffic. However, if Mitigation Measure B.6 is not implemented prior to initiation of project construction, construction shall be limited to weekdays.	- County requires as a condition of Use Permit. - Applicant incorporates measure into plans.	- Planning Department. - Public Works Department	- Incorporate into Use Permit Condition of Approval. - Prior to issuance of building permit.	
Visual Quality				
C.3a: To minimize project-related spill light, the project sponsor shall be required to install low-level street and pedestrian-scale light fixtures in outside areas. Light standards in these areas should be less than 16 feet above ground, with the lights aimed downward to illuminate the area around the fixture. Such light standards should be designed to provide pedestrian illumination levels of about 3 foot-candles. Additional lighting near loading areas should be greater for safety, but shielded, to minimize the migration to off-site receptors	- County requires as a condition of Use Permit. - Applicant incorporates measure into plans. - Applicant implements plan.	Planning Department	- Incorporate into Use Permit Condition of Approval. - Prior to issuance of building permit. - Prior to issuance of certificate of occupancy.	
C.3b: To eliminate glare, light standards shall be low in height, and the lighting shielded and aimed downward to prevent direct viewing of the bulbs by off-site receptors. In addition, where possible, project structures shall make use of natural non-reflective colors.	- County requires as a condition of Use Permit. - Applicant submits lighting plans to Planning Department. - Applicant implements plan	Planning Department	- Incorporate into Use Permit Condition of Approval. - Prior to issuance of building permit. - Prior to issuance of certificate of occupancy.	
C.3 c: To minimize both spill light and glare, timing devices that would minimize the amount of time that project lighting would be utilized should be implemented where appropriate and feasible.	- County requires as a condition of Use Permit. - Applicant submits lighting plans to Planning Department. - Applicant implements plan.	- Planning Department. - Public Works Department - Public Works Department	- Incorporate into Use Permit Condition of Approval. - Prior to issuance of grading permit. - County to inspect property during construction.	

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Air Quality D.1: The project sponsor shall require the construction contractor to implement a dust abatement program. Elements of this program shall include the following: • Water all active construction areas at least twice daily; • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer); • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; • Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; • Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets; • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); • Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.); • Limit traffic speeds on unpaved roads to 15 miles per hour;	1. County requires as a condition of Use Permit. 2. Applicant places mitigation into the contracts of all subsequent contractors involved in site preparation and development activities. 3. Applicant will implement during construction.	1. Planning Department 2. Public Works Department 3. Public Works Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of grading permit. 3. County to inspect property during construction.	
D.2: Cumulative air pollutant emissions from development in the AIASP area could be reduced through a reduction in on-road vehicle activity (e.g., automobiles) and on-site emissions (e.g., maintenance equipment). The following measures from a recent Napa County Draft EIR (Napa County Conservation, Development and Planning Department, 2000) shall be included in the design of projects in the AIASP area to reduce cumulatively significant air pollutant emissions and comply with Transportation Control Measures set forth in the <i>Bay Area '97 Clean Air Plan</i> . • Develop a multiple-use pathway to meet the objectives of the 1986 AIASP. This would provide opportunities for bicycle and pedestrian use, including for commuting if the pathway is extended to nearby population centers,	1. County requires as a condition of Use Permit. 2. Applicant incorporates measures into plans.	1. Planning Department. 2. Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of building permit.	

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such as the City of Napa or the City of American Canyon, or if the pathway can be extended to local transit service stops. • Include sidewalks and bicycle lanes for any new roadways as indicated in the 1986 AIA SP. • Provide for connections with existing and future transit services. • Provide information for ridesharing and transit information. A carpool sign-up program for employees at all projects within the AIA SP area shall be developed and maintained by the project sponsors. • Use only low-emission maintenance equipment and vehicles where appropriate (e.g., lawn mowers and other motorized landscape equipment, forklifts, and tractors).				
D.5: Implement Mitigation Measure D.2.	See Mitigation Measure D.2.	See Mitigation Measure D.2.		
Hydrology and Water Quality				
E.1b: 50-foot setbacks from No-name Creek will allow for the growth of a protective riparian buffer where none currently exists.	1. County requires as a condition of Use Permit. 2. Applicant submits plan to Planning Department.	1. Planning Department 2. Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of grading permit.	
E.1 c: The project sponsor will incorporate into the project design the movement of collected stormwater from the parking lots and other impervious areas through vegetated drainage swales and detention basins prior to any discharge into creeks or drainage ditches.	1. County requires as a condition of Use Permit. 2. Applicant incorporates measures into improvement plans.	1. Planning Department 2. Public Works Department	1. Draft conditions and incorporate prior to Use Permit approval. 2. Prior to issuance of grading permit.	

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E.1d: The project sponsor shall develop and implement pesticide and fertilizer management plans for landscaped areas.	- County requires as a condition of Use Permit. - Applicant responsible to obtain the General Construction Activity Permit from RWQCB and to incorporate pesticide and fertilizer management plans into the project's operational SWPPP. - Applicant submits pesticide use reports as required. - Applicant implements pesticide and fertilizer management plan.	- Planning Department - Env. Management Department/RWQCB - Agricultural Commissioner - Agricultural Commissioner	- Draft condition and incorporate prior to Use Permit approval. - Prior to issuance of grading permit. - Prior to update of grower's permit and identification by Agricultural Commissioner. - Agricultural Commissioner to monitor as necessary	
E.2a: The project sponsor will use Best Management Practices (BMPs) for design and installation of the stormwater drainage system and discharge points to reduce the risk of localized flooding and soil erosion. Silt fences and/or hay bale barriers shall be installed prior to October 15th of each construction year during which winter ground-disturbance occurs, in order to prevent sediment from the site from entering the storm drain system present and the drainageways along railroad tracks and/or any grade-separated area in proximity to sensitive habitat area. Sedimentation control devices shall be inspected after each rain event and cleaned and repaired by the permittee as necessary in order to maintain their effectiveness.	- County requires as a condition of Use Permit. - Applicant submits drainage plan. - Applicant incorporates measures into improvement plan.	- Planning Department. - Public Works Department - Public Works Department	- Draft condition and incorporate prior to Use Permit approval. - Prior to issuance of Use Permit. - Prior to issuance of grading permit.	
E.4a: The project sponsor will require the building contractor to develop and implement a SWPPP, as required by the State Water Resources Control Board, for areas to be disturbed by construction activities of five acres or more.	- County requires as a condition of Use Permit. - Applicant to obtain General Construction Activity Permit	- Planning Department - Planning Department - Environmental Management/	- Draft conditions and incorporate prior to Use Permit approval. - Prior to issuance of any construction permit. - Inspection to continue for 2-3 years following completion of	

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	(RWQC) and implement SWPPP. 3. RWQCB staff to inspect construction site, until fully revegetated.	RWQCB staff	construction.	
E.4b: Implementation of 50-foot setbacks from No-name Creek and wetland restoration will reduce areas of possible erosion. The setback shall be measured from the top of the edge of the closes bank.	1. County requires as a condition of Use Permit. 2. Applicant submits plan to Planning Department 3. Applicant implements plan	Planning Department	1. Draft conditions and incorporate prior to Use Permit approval. 2. Prior to issuance of grading permit. 3. County staff to conduct site visits as necessary.	
Biological Resources				
F.1a: A Corps-verified wetland delineation has been completed for the project site and will be made available prior to any site planning and construction of facilities within or adjacent to potential jurisdictional wetlands, which includes seasonal ponding areas, drainage ditches, and No-name Creek.	1. County requires as a condition of Use Permit. 2. Applicant responsible to submit Corps-verified wetland delineation to Planning Department and all contractors.	Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Draft condition and incorporate prior to Use Permit approval.	
F.1b: Facilities will be planned and sited to avoid wetlands and waters of the U.S. to the extent possible.	1. County requires as a condition of Use Permit. 2. Applicant includes condition in contracts of all subsequent contractors involved in site preparation and development activities.	1. Planning Department 2. Planning Department / Building Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of grading permit.	

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F.1 c. Where impacts to wetlands and waters of the U.S. cannot be avoided, such losses will be compensated for, on-site if feasible, according to ratios established by the Army Corps of Engineers (Corps) for the project.	- County requires as a condition of Use Permit. - Applicant includes condition in contracts of all subsequent contractors involved in site preparation and development activities. - Once obtained, applicant includes conditions of Department of the Army wetland permit, Section 1603 Streambed Alteration Agreement and a Section 401 Water Quality Certification in contracts of all subsequent contractors involved in site preparation and development activities. - Once approved by the Corps and CDFG, applicant would include conditions of an approved Section 404 mitigation plan in contracts of all subsequent contractors involved in site preparation and development activities.	Planning Department	- Include conditions and incorporate prior to Use Permit approval. - Prior to issuance of grading permit. - Prior to issuance of grading permit. - Prior to issuance of grading permit.	

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F.1d: The project contractor will implement measures to minimize and avoid direct and indirect impacts to jurisdictional wetlands.	1. County requires as a condition of Use Permit. 2. Applicant includes condition in contracts of all subsequent contractors involved in site preparation and development activities. 3. Applicant would implement protective measures prior to construction. 4. Once approved by the Corps and CDFG applicant would include conditions of an approved Section 404 mitigation plan in contracts of all subsequent contractors involved in site preparation and development activities.	1. Planning Department 2. Planning Department / Building Department 3. Planning Department / Building Department 4. Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of grading permit 3. Applicant to monitor protected areas monthly during construction 4. Prior to issuance of grading permit.	
F.2: To minimize impacts to listed species on the project site, all wetland-delineated areas classified as seasonal wetlands shall be considered sensitive habitat and shall be avoided, to the extent possible, together with a sufficient buffer zone to protect the resources present. At least eight distinct regions of the project area may support seasonal wetlands, in addition to No-Name Creek.	1. County requires as a condition of Use Permit. 2. Applicant would include conditions of Section 7 Biological Assessment in contracts of all subsequent contractors involved	Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of grading permit. 3. Prior to issuance of grading permit.	

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	in site preparation and development activities once agreed to by the U.S. Fish and Wildlife Service (USFWS). 3. Once approved by the Corps and CDFG applicant would include conditions of Section 404 mitigation plan in contracts of all subsequent contractors involved in site preparation and development activities.			
F.3: If construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required. Otherwise, a qualified biologist will survey the site for nesting raptors and other special status wildlife species within 30 days prior to any ground-disturbing activity. Results of the surveys will be forwarded to the USFWS and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance.	1. County requires as a condition of Use Permit. 2. Applicant would be responsible for implementing mitigation measure 3. Applicant would be responsible for avoiding removal of tree snags and structures potentially supporting bat roosts during the maternity season from June through August. Should removal of trees occur during this period, pre-construction surveys will be conducted. If	Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Draft condition and incorporate prior to Use Permit approval. 3. Draft condition and incorporate prior to Use Permit approval.	

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	roosts area observed, no disturbance of said roosts will occur until after August, and bats shall be removed utilizing standard non-invasive exclusion methods as identified through consultation with CDFG.			
F.5a: The project shall be designed to provide for appropriate vegetative buffers that are consistent with guidelines set forth by the U.S. Fish and Wildlife Service for avoiding direct and indirect impacts to vernal pool invertebrates. Buffer distances will be determined in consultation with USFWS, and could be as large as 250 feet from the pool edge, depending upon the proposed adjacent site uses. Specific buffer requirements will be outlined in the vernal pool management plan in coordination with the resource agencies and will be implemented prior to project construction (see Mitigation Measure F.2.)	- County requires as a condition of Use Permit. - Applicant would conditions of Section 7 Biological Assessment in contracts of all subsequent contractors involved in site preparation and development activities once agreed to by the U.S. fish and wildlife Service (USFWS).	- Planning Department - Planning Department	- Draft condition and incorporate prior to Use Permit approval. - Draft condition and incorporate prior to Use Permit approval.	
F.6: The project sponsor shall prepare and implement a SWPPP for the project as required by the San Francisco Bay Area Valley Region (Region 5) of the RWQCB under its NPDES general permit. The SWPPP shall be submitted for review to the RWQCB and Napa County (with approval required prior to construction), and shall be updated as needed to reflect changes in the project design and site conditions. Development of the SWPPP is considered further in Section IV.E, Hydrology and Water Quality.	- County requires as a condition of Use Permit. - Applicant responsible to obtain the General Construction Activity Permit from RWQCB and to implement BMPs outlined in the project SWPPP. - RWQCB would inspect the project	- Planning Department - Planning Department - RWQCB/County Department of Environmental Management	- Draft condition and incorporate prior to Use Permit approval. - Prior to issuance of any construction related permit. - Inspection would continue for two to three years following the cessation of construction.	

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	area over the construction period and after project completion, until the disturbed areas are fully revegetated.			
Cultural Resources				
G.1a: The project sponsor will hire a qualified archaeologist to monitor all excavation activities, including grading and trenching activities, who will advise the sponsor on appropriate excavation levels, and conduct spot checks of all excavated materials and open excavation areas. The archaeologist will also brief project personnel and construction workers on the potential for finding archaeological resources at the site, prepare materials that describe the appearance of potential resources, and apprise personnel of the procedures to follow if such resources are found.	1. County requires as a condition of Use Permit. 2. Applicant would be responsible for implementing this mitigation (archaeologist to be approved by the County).	1. Planning Department 2. Planning Department/ Public Works Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of grading permit.	
G.1b: If archaeological resources are uncovered, work at the place of discovery shall be halted immediately, for a period not to exceed four weeks, and a qualified archaeologist should evaluate the find. Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements such as slabs and handstones, and mortars and pestles; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. If the archaeological resources are determined by the archaeologist to be significant, the project sponsor will, after consultation with Napa County, construct a publicly accessible historic display that documents the find at the project site.	1. County requires as a condition of Use Permit. 2. Applicant would be responsible for implementing this mitigation and for notifying County if archaeological resources are discovered.	1. Planning Department 2. Planning Department/ Public Works Department	1. Draft condition and incorporate prior to Use Permit approval. 2. During construction applicant shall monitor and report to County.	
G.1c: If human remains are encountered during project construction, the project sponsor and/or its employees shall notify the Napa County Coroner's Office immediately. Upon determination by the County Coroner that the remains are Native American, the Coroner shall contact the California	1. County requires as a condition of Use Permit. 2. Applicant would be responsible for	1. Planning Department 2. Planning Department/ Public Works	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of grading permit.	

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Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code, and the County Coordinator of Indian Affairs.	implementing this mitigation and for notifying County Coroner's Office if human remains are encountered.	Department		
G.2: Before demolishing the barn structure, the project sponsor will consult with Napa County and any local historic societies to determine whether there may be interest in photographing and documenting the barn, moving the structure or saving some of its elements.	1. County requires as a condition of Use Permit. 2. Applicant would be responsible for implementing this mitigation and for notifying County prior to demolition.	Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of grading permit.	
Public Safety				
H.2: Based on an assessment conducted by the Wildlife Services division of the U.S. Department of Agriculture of whether the wetland restoration on the project site present a potential hazard, as defined by Title 14 CFR 139.337 (amended to Title 14 CFR 139.339), by attracting wildlife to or near the project site, the applicant shall implement measures to reduce wildlife/aircraft strike hazards. (a) Professional evaluation of the wildlife control measures annually. (b) Establish a seasonal baseline for each season, after the initial baseline period has been established. The initial baseline shall be initiated prior to or immediately upon certification of the Final EIR for the project. Baseline shall be determined through bird counts conducted prior to commencement of grading, construction, or other noise or dust producing activities. (c) Monitoring of wildlife populations and wildlife/aircraft conflicts for at least three years following construction of the wetlands and ponds in order to ascertain the need for plan revisions after two years.	1. County requires as a condition of Use Permit. 2. Applicant to submit to Planning Department a comprehensive wildlife management plan for the site prepared by a wildlife biologist with airport experience to reduce the hazard of wildlife/aircraft conflicts. 3. Applicant implements plan	1. Planning Department 2. Planning Department /ALUC 3. Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of certificate of occupancy. 3. Applicant to submit to Planning Department annual report that: • Evaluates wildlife control measures. • Establishes a seasonal baseline for each season. Baseline monitoring shall begin immediately upon Use Permit approval. • Monitors wildlife populations and wildlife/aircraft conflicts for at least three years following completion of storage ponds, and ascertain the need for any plan revisions after two years. • Allows the wildlife control plan to be reviewed and modified by the County	

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(d) All landscaping on the site shall incorporate features designed to discourage waterfowl population that could cause hazards to aircraft. [Mitigation Measure H.2] (e) Allow the wildlife control plan to be reviewed and modified by the Planning Commission at, any time after three (3) years. (f) Measures contained in the technical memos from ESA and the Department of Agriculture related to the mitigation of waterfowl populations in proximity to ponds, attached to the December 5, 2001, Planning Commission staff report and incorporated here by reference. The permittee shall implement any and all measures contained in the plan to reduce wildlife/aircraft hazard strikes.			at any time after three years. County shall conduct site visits as necessary.	
Public Services and Utilities				
I.6: Prior to the issuance of building permits, Napa County shall require that the proposed project include adequate storage space for projected recyclable and compostable materials. The County shall require adequate storage space for recyclable and compostable materials in each building and in its enclosed garbage areas, as well as adequate loading space, to accommodate Napa County's recycling program.	1. County requires as a condition of Use Permit. 2. Applicant incorporates measures into plans.	Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of building permit.	
Geology, Soils and Seismicity				
J.1: The proposed construction under the project shall comply with site-specific recommendations and standards for seismic design as provided by the project geotechnical engineer, the seismic design requirements of the California Code of Regulations, Title 24, and applicable ordinances adopted by the County of Napa.	1. County requires as a condition of Use Permit. 2. Applicant submits building plan to Planning Department. 3. Applicant provides certification of qualified geotechnical engineer for seismic	Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of building permit. 3. Prior to issuance of building permit. 4. County conducts site visits as necessary.	

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	design. 4. Applicant implements plan.			
J.3a: The proposed construction under the project shall comply with site-specific recommendations and standards for soils and foundation engineering as provided by the project geotechnical engineer; the California Code of Regulations, Title 24; and as recommended by Napa County.	1. County requires as a condition of Use Permit. 2. Applicant submits building plan to Planning Department, 3. Applicant provides certification of a qualified geotechnical engineer for soils and foundation. 4. Applicant implements plan.	Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of building permit. 3. Prior to issuance of building permit. 4. County conducts site visits as necessary.	
J.3b: As a supplemental geotechnical study, the corrosivity of the soils underlying the proposed development will be determined by laboratory testing.	1. County requires as a condition of Use Permit. 2. Applicant submits building plan to Planning Department. 3. Applicant provides certification of a qualified geotechnical engineer for corrosivity of soils. 4. Applicant implements plan.	Planning Department	1. Draft condition and incorporate prior to Use Permit approval. 2. Prior to issuance of building permit. 3. Prior to issuance of building permit. 4. County conducts site visits as necessary.	