

## **Attachment B**

### **Mitigation Monitoring and Reporting Program**

(Environmental Review)

#### **Napa 34 Holdings Commerce Center**

**Use Permit and Variation to Development Standards Application № P09-00329-UP and  
Tentative Parcel Map and Lot Line Adjustment Application № P09-00330-TPM**

**Assessor's Parcel №: 057-210-056**

**No Current Address, the Napa-Vallejo Highway, Napa, Calif. 94558**

#### **AIR QUALITY**

1. The permittee shall incorporate the following BAAQMD construction-related emissions management practices into all construction-phases of the subject project:
  - a. Water all active construction areas at least twice daily.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c. 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.
  - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
  - h. Limit traffic speeds on unpaved roads to 15 mph.
  - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - j. Replant vegetation in disturbed areas as quickly as possible.
  - k. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
  - l. Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
  - m. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
  - n. Limit the area subject to excavation, grading and other construction activity at any one time.
  - o. Idling times shall be minimized, either by shutting off equipment when not in use or by reducing the maximum idling time to 5 minutes (as required by California airborne toxics control measure Title 12, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
  - p. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - q. Post a publicly visible sign with the telephone number and person to contact at the Planning Department regarding dust complaints. The person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**Method of Mitigation Monitoring:** Prior to the issuance of a building or grading permits, the applicant's contractor shall submit a construction-related emissions best management practices program, incorporating (without limitation) all of the above requirements for the review and approval of the Planning Division. Site inspections undertaken by the Planning Division, the Building Division, and the Department of Public Works will ensure compliance with the approved best management practices program.

2. The permittee shall require in its construction contracts that all construction equipment used as a component of the project be powered by one of the following alternative fuels: biodiesel, biodiesel blend, electricity, or natural gas. Exception to the foregoing may be made only where construction equipment capable of utilizing such alternative fuels is verifiably not available to the relevant contractor through the exercise of reasonable diligence.

Method of Mitigation Monitoring: Prior to the issuance of a building or grading permits, the permittee shall submit copies of contractor and sub-contractor contracts (as relevant) requiring compliance with the above mitigation for the review and approval of the Planning Director. Site inspections undertaken by the Planning Division, the Building Division, and the Department of Public Works may further ensure compliance with the requirement.

3. The permittee, or their successors in interest, shall purchase and retire 800 metric tons of carbon dioxide offset credits per year for ten years (total of 8,000 metric tons) from the Chicago Climate Exchange, beginning in or before the year in which the project receives its first Certificate of Occupancy from the Napa County Building Official.

Method of Mitigation Monitoring: Prior to the issuance of a certificate of occupancy, the permittee shall submit evidence of credit purchase and retirement for the review and approval of the Planning Director. Evidence of additional required purchase and retirement shall be provided annually thereafter for a period of ten years. Failure to purchase and retire said credits shall subject the permittee to use permit revocation, civil penalties, or other enforcement actions as then deemed necessary by the County.

4. In conjunction with the construction of project buildings, the permittee shall design all structures to accommodate solar arrays to the greatest extent possible- including building structural design, roofing materials, building wiring and the like, Final solar compatibility plans shall be submitted for the review and approval of the Planning Director prior to any relevant building permit approval.

Method of Mitigation Monitoring: This mitigation measure requires submittal of required plans and/or specifications prior to the issuance of a building permit. If the mitigation measures are not complied with, no building permit will be issued.

## **BIOLOGICAL RESOURCES**

5. To avoid potential losses to nesting raptors, migratory birds protected under the Migratory Bird Treaty Act, and special status bird species, construction activities shall occur outside the critical breeding period from March through August. If construction is proposed to occur during the breeding period, the site shall be surveyed for active nests by a qualified Biologist no more than 30 days prior to commencing construction activities. If active nests are found, the nest location and a buffer area designated by the biologist in consultation with the California Department of Fish and Game shall be established, and those areas shall be avoided until the nest has been vacated. If no nests are found on or adjacent to the project site, tree removal could proceed without further survey.

Method of Mitigation Monitoring: The permittee shall have a nesting bird survey completed prior to any construction activities scheduled to occur on the site from the beginning of March through August. The survey results shall be provided to the Napa County Conservation, Development, and Planning Department (Planning Department). In the event that nesting sites are found, the nest location and a buffer area designated by the biologist in consultation with the California Department of Fish and Game shall be mapped, and no work shall be undertaken in buffer until the nest has been vacated.

6. To avoid potential losses to the Western Burrowing owl, a nesting survey shall be conducted by a qualified Biologist no more than 30 days prior to commencing construction activities. If active nests are found, a nest location and a buffer area shall be designated by the biologist in consultation with the California Department of Fish and Game.. Buffers shall be maintained around any active nests and burrows at all times of the year. A site specific proposal for surveys shall be submitted for the review and approval of the Department of Fish and Game prior to implementation. Surveys shall additionally comply with requirements 1-7 at pages 2 and 3 of the Department of Fish and Game's comment letter of April 15, 2010. If no nests are found on the project site construction activities could proceed without further survey.

Method of Mitigation Monitoring: The permittee shall have a nesting western Burrowing owl survey completed prior to any construction activities. The survey results shall be provided to the Napa County Conservation Development and Planning Department. In the event western burrowing owls are found to occur on-site, buffers shall be established and maintained consistent with Department of Fish and Game policies and protocols.

7. In order to mitigate for the loss of Swainson's hawk foraging habitat, prior to the issuance of a building or grading permit, the project proponents shall either provide 0.75 acres of land for each acre of urban development authorized by this project as permanent protected Swainson's hawk foraging habitat (lands shall be protected in perpetuity and should provide for the long-term management of the lands by funding a management endowment) or other mitigation as deemed acceptable by the California Department of Fish and Game.

Method of Mitigation Monitoring: Mitigation Measure № 7 requires compliance with DFG mitigation requirements prior to the issuance of a building or grading permit. If the mitigation measures are not complied with, no development permit will be issued.

8. Prior to issuance of a building or grading permit the project proponent shall provide documentation from the Army Corps of Engineers indicating that one or more of the following measures will, or has, occurred and is, or will, be considered mitigation to address proposed conversion of jurisdictional wetlands.
  - a. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, on the project site by enhancing existing wetlands or creating new wetlands to provide for no net loss of wetlands function. The applicant's biologist indicates on site mitigation using proposed drainage facilities such as a detention basin or vegetated swales is a viable option for restoring wetlands function although the acceptability of such to the Corps and/or RWQCB cannot be guaranteed; or,
  - b. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by off-site creation or enhancement of wetlands in Napa County consistent with state and federal policies providing for no net loss of wetland function; or
  - c. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by purchase of wetlands creation or preservation credits in an existing or future wetlands bank that "services" Napa County, consistent with state and federal policies providing for no net loss of wetland function; or
  - d. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by financial participation in an existing wetlands enhancement or creation project in Napa County sponsored by a state, federal or County agency such as the Napa County Resource Conservation District (RCD) consistent with state and federal policies providing for no net loss of wetland function. Or,
  - e. a combination of the above measures, which in aggregate meets the prescribed ratio dictated by the Corps and/or RWQCB.

Method of Mitigation Monitoring: Any required wetland mitigation shall be in place prior to the issuance of building or grading permits. The project proponent shall demonstrate to the satisfaction of the Planning Department that all wetland mitigation has been approved by the Corps and has been initiated. The terms and conditions of wetland protection, replacements and performance criteria are subject to Corps concurrence and may be modified.

9. Prior to issuance of a building or grading permit, the project proponent shall provide documentation from the California Department of Fish and Game that a 1602 permit has been issued or that said department does not deem such permitting necessary. The terms and conditions of that permitting are subject to Fish and Game concurrence and may be modified as deemed necessary by that department.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of evidence of project compliance with DFG 1602 permit requirements prior to the issuance of a building or grading permit. If such evidence is not submitted, no development permit will be issued.

10. Prior to issuance of a building or grading permit, the project proponent shall submit final revised landscape plans which include in-like-kind replacement of all trees to be removed as a result of the project for the review and approval of the Planning Director. Tree replacement shall occur at a ratio of 3:1 if replacement trees are smaller than 24" box in size or at a ratio of 2:1 if replacement trees are sized at 24" box or greater. The final determination as to whether or not proposed replacement plantings are "in-like-kind" shall be made by, and solely at the discretion of, the Planning Director or her designee.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of final revised landscape plans incorporating replacement tree details prior to the issuance of a building or grading permit. If such plans are not submitted, no development permit will be issued.

## **HYDROLOGY AND WATER QUALITY**

11. Prior to the issuance of a building permit, a grading permit, or the recordation of a final parcel map, the permittee shall submit a binding drainage system/wetland maintenance plan for the review and approval of the Departments of Public Works and Planning. The submitted plan shall stipulate an ongoing maintenance regime (including, without limitation, financing details and implementation/enforcement measures such as CC&Rs and/or third party conservations easements) for the integrated project area wetland and drainage system. The wetland shall be restored and revegetated to improve habitat for animals associated with the wetland ecosystem. Permanent restricted-access buffer zones shall be established around the protected wetland as shown in submitted plans or otherwise as consistent with the site-specific requirements of the Regional Water Quality Control Board; incidental human traffic through or interference in these zones shall be restricted through fencing or other barriers acceptable to the Planning Director and the Regional Water Quality Control Board. Revegetation within the wetland and wetland buffer areas shall consist of appropriate native plants. No chemical spraying shall be allowed in the wetland or wetland buffer areas. The submitted maintenance plan shall be consistent with the *Napa County Post Construction Runoff Management Requirements* manual adopted by the Board of Supervisors on June 3, 2008, and in particular with Chapter 5 at p. 14, Implementation and Maintenance of Requirement.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of an acceptable maintenance plan prior to the issuance of a building or grading permit or the recordation of a final parcel map. If such plans are not submitted or are not approvable, no parcel map may be recorded and no development permit will be issued.

12. Prior to the issuance of a building permit or a grading permit the permittee shall retain a qualified third-party consultant to develop a stormwater pollution prevention plan (SWPP) in conformance with all applicable requirements of the State Porter Cologne Water Quality Act (Cal. Water Code §§ 13000-14598) and the Federal Clean Water Act (13 U.S.C. 1251 et seq) for the review and approval of the Director of Public Works.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of an acceptable maintenance SWPP prior to the issuance of a building or grading permit. If the SWPP is not submitted or is inadequate, no development permit will be issued.

## **PUBLIC SERVICES**

13. Prior to the issuance of a building or grading permit, the permittee shall submit final fire hydrant plans for the review and approval of the Fire Marshal.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of acceptable hydrant plans prior to the issuance of a building or grading permit. If such plans are not submitted or are not approvable, no development permit will be issued.

## **TRANSPORTATION/TRAFFIC**

14. Prior to County authorization of a building permit, the permittee shall submit payment of Napa County's traffic mitigation fee in accordance with the Board Resolution then-operative, fees may be based on the number of vehicle trips generated by the project in the PM peak traffic period as established via the project traffic study or via any other measure duly adopted as part of the pending *Update of Airport Industrial Area Traffic Mitigation Fee Program*. The permittee acknowledges that the finding of less than significant cumulative traffic impacts in this mitigated negative declaration rests on the cumulative analyses undertaken as a component of the *Update of Airport Industrial Area Traffic*

*Mitigation Fee Program* and agrees to pay the updated fee as then-required should it be adopted and operative prior to the issuance of a building permit for any project structure.

Method of Mitigation Monitoring: This Mitigation Measure requires deposit of required traffic impact mitigation fees prior to the issuance of a building permit. If required fees are not submitted, no building permit will be issued.

15. As discussed in the project traffic study, the following parking spaces, situated on the curves of internal drive aisles around project buildings F and H, could create internal circulation problems and shall be reserved for “employees only,” thereby limiting in/out maneuvers adjacent to impacted drive aisle curves:
  - a. five parking spaces at the northeast corner of Building F on the entrance curve;
  - b. two parking spaces at the southeast corner of Building F on the exit curve;
  - c. five parking spaces at the northwest corner of Building H on the entrance curve; and
  - d. three parking spaces at the southeast corner on Building H on the inside curve.

Method of Mitigation Monitoring: No certificate of occupancy will be issued for the project unless the requirements of this mitigation measure have been complied with.

16. The project shall incorporate the turn lane construction, road widening, and other improvements at and adjacent to the Airport Boulevard/Devlin Road intersection outlined under “**Airport Boulevard/Devlin Road Intersection**” at page 21 of the final project traffic study, with the exception that westbound to eastbound U-turns at the Airport Boulevard/Devlin Road intersection shall be restricted to eliminate protected conflicting turn movements.

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works, along with other relevant agencies. No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

17. As discussed in the project traffic study, this project may have significant impacts at the Soscol Ferry/Devlin Road intersection. Whether through the payment of impact fees or through some other fair-share method duly adopted at the time of any such construction, the permittee and his/her successors in interest shall contribute to the cost of signalization at the Soscol Ferry/Devlin Road intersection should the County deem it necessary to install traffic signals at that intersection at some point in the future.

Method of Mitigation Monitoring: Monitoring and implementation of this mitigation measure will have to be built in to any program, adopted at some later date, to require contributions to signalization projects then-undertaken. In the interim, traffic mitigation fees are required and if required fees are not submitted, no building permit will be issued.

18. The project shall incorporate improvements to signals at the Airport Boulevard/Devlin Road to create a “northbound right-turn overlap phase” as outlined under “**Airport Boulevard**” at page 22 of the final project traffic study.

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works (along with other relevant agencies). No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

19. The project shall incorporate the turn lane construction, road widening, and other improvements at and/or adjacent to the Airport Boulevard/Ca-29 intersection as required by the Department of Transportation in their letter of March 3, 2010. To wit, “the project must include extending the existing northbound left turn lane at the state route 29/Airport Boulevard intersection in order to accommodate the Plus Project queue;” and, “please be reminded that a left turn lane requires both storage and deceleration length.”

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works and the California Department of Transportation. No

certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

## **UTILITIES and SERVICE SYSTEMS**

20. The permittee shall pay all updated water capacity and impact fees to provide funding for the City of American Canyon to acquire additional long-term water resources and improve and develop its treatment and distribution system. The fees will allow for the City to exercise additional options for potable water capacity from the City of Vallejo and/or other sources, and will also provide for implementation of the recycled water system, helping to reduce the impact of additional water demand to a less than significant level.

Method of Mitigation Monitoring: Payment of fee is required prior to the issuance of a building permit.

21. The project shall contribute to City of American Canyon Short-term Water Supply Mitigation, as set forth in the City's *Water Supply Report*, pages 16 and 17, Table 2, as non-refundable payments to the water operations fund to allow the City to acquire dry year water if necessary. If the long-term mitigations are not in place prior to the 2011-2012 water year, the project shall continue to make annual non-refundable payments until the short-term impacts are mitigated by completion of long-term improvements.

Method of Mitigation Monitoring: Payment of fee is required prior to the issuance of a building permit.

22. The permittee shall ensure that landscaping for the project employs native, drought-tolerant plant species to the greatest extent practicable, provided that such landscaping shall not conflict with those mitigations and project specifications addressing existing and proposed on-site wetlands.

Method of Mitigation Monitoring: Final landscape plans are required to be submitted for the review and approval of the planning director prior to building permit approval.

23. The permittee shall install water-conserving plumbing fixtures that maximize efficiency and water conservation in project buildings. These shall include, without limitation, dual-flush toilets, and ultra low-flush or waterless urinals.

Method of Mitigation Monitoring: Final plumbing details are required to be submitted for the review and approval of the planning director and building official prior to building permit approval.