

RESOLUTION R2010 59

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE RIORDAN SUBDIVISION (#09-0011)

WHEREAS, Jeremy Sill (Reichers & Spence Ass.), a representative for the applicants, submitted an application on behalf of Robert and Carol Riordan (the applicants) for a Use Permit for increased density in a Hillside District; and a Tentative Subdivision Map to subdivide a 21 acre residential property at into 10 single family lots with a remainder lot at 3075 Laurel Street (APN: 043-010-010); and

WHEREAS, City Staff has determined that there is no substantial evidence, in light of the whole record before the City Council, that the Project, as analyzed in the Initial Study prepared for the Riordan Subdivision #09-0011 and dated February 24, 2010, will have a significant effect on the environment; and

WHEREAS, the applicant has agreed to in writing, to incorporate the mitigation measures identified by staff in said Initial Study; and

WHEREAS, the City Council has considered all information related to this matter, 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 there is no substantial evidence, in light of the whole record before the City Council, that the Recommended Action, as analyzed in the Initial Study prepared for the Riordan Subdivision #09-0011 and dated February 24, 2010, will have a significant effect on the environment; therefore the City adopts a Mitigated Negative Declaration for this project based upon the applicant's revision of the subject project to include the following mitigation measures:

Aesthetics

1. All new lighting on private property shall be designed to eliminate direct light spilling onto adjacent residential properties.
2. Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.
3. All new utilities shall be placed underground.
4. The Developer shall comply with the following:

5. The plans submitted for the project improvements or building permit, whichever comes first, shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. No improvement plans shall be approved nor building permit issued until the Planning Department approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Director that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans and that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Director upon a showing of good cause.

Air Quality

6. Grading and construction equipment shall be shut down when not in use.
7. Construction activities shall not occur during windy periods.
8. Exposed soil surfaces shall be periodically sprinkled to retard dust; no City water shall be used for this purpose.
9. All proposed fireplaces within the development shall include a gas insert and all stoves shall be required to meet EPA certification.
10. The plans submitted for building permit shall include high-efficiency pumps for the required HVAC equipment.
11. All construction area and adjacent streets shall be swept of all mud and debris with water sweepers, since this material can be pulverized and later re-suspended by vehicle traffic.
12. The plans submitted for building permit shall indicate the use of energy efficient appliances (e.g., Energy Star) within the individual residential units.

Biological Resources (Special Conditions)

13. The plans submitted for improvement plan review shall include a final landscape plan which clearly indicates the location of the 112 required replacement trees on the project site; or submit to the City of Napa Community Resources Department an in-lieu fee of \$33,600 (300 dollars per replacement tree).

14. To the extent feasible the 222 trees as identified in the arborist report dated 11/24/08 shall be protected and preserved. The improvement plans submitted for review and approval to the Public Works Department shall include a tree preservation plan, prepared by a certified arborist which includes measures for protection of root structures, trunks and limbs during construction and any additional measures necessary

for the continued health of the trees. This report shall evaluate the status of the trees and include recommendations for the optimum location, and configuration of the improvements in the interest of creating minimal impact on the subject trees.

15. A plan review letter shall be submitted by the tree preservation plan preparer which indicates whether or not the recommended measures have been satisfactorily included in the improvement plans.

16. The tree preservation plan preparer or other certified arborist, shall be retained during the construction process to make sure that the procedures specified in the preservation plan are followed. A final project review letter shall be submitted to the City by the tree preservation plan preparer, prior to the issuance of a certificate of occupancy, which reviews the final status of the trees and provides any additional recommendations for the continued protection upon occupancy of the dwelling units.

17. In the event that any of the trees recommended to be saved are removed, the tree(s) shall be replaced or provided to the City for planting within a community area at a ratio of 10 new trees for each tree lost. The replacement trees shall be native trees and subject to the review and approval of the Community Development Department or submit to the City of Napa Community Resources Department an in-lieu fee of 300 dollars per new replacement tree.

18. The front yard landscaping for each single family residence shall be installed prior to issuance of a Certificate of Occupancy.

19. Proposed activities on the project site may result in tree and shrub removals that could directly destroy nests, eggs and immature birds, and would remove future nesting habitat for birds, including sensitive species such as migrating songbirds protected by the Migratory Bird Treaty Act. If impacts to onsite trees cannot be avoided, then the removal of these trees should occur outside the breeding season. To ensure no take of birds or young protected by the Migratory Bird Treaty act, project-related disturbance at active nesting territories should be reduced or eliminated during critical phases of the nesting cycle (March 1 - August 15, annually).

20. Pre-construction surveys shall be conducted by a qualified biologist for nesting raptor and roosting bat species on the property if vegetation clearing, grading or demolition is to occur after January and prior to August. If required, surveys should be performed prior to January to identify and potential nesting areas prior to the raptors laying eggs. Once eggs have been laid, a buffer must be established around the nest site and protected until August 1 or until the young have fledged.

Cultural Resources

21. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified

archeologist is retained by the City to evaluate the finds. Developer shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.

22. The project applicant shall assure that project personnel (e.g., contractor, construction workers) are informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by law. Prehistoric or Native American resources can include chert or obsidian flakes, projectile points, mortars, and pestles as well as dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources can include nails, bottles, or other items often found in refuse deposits.

Geology and Soils

23. All Project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications (hereinafter referred to as PWD Standard Specifications).

24. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).

25. Developer shall provide an erosion and sediment control plan and a schedule for implementation of approved measures to the Public Works Director for approval with the first improvement plans submitted for review. No grading and excavation shall be performed except in accordance with the approved plan and schedule.

26. Hydroseeding of all disturbed slopes shall be completed by October 1; Developer shall provide sufficient maintenance and irrigation of the slopes such that growth is established by November 1.

27. For all subdivision and parcel maps, the Developer shall prepare a Soils Investigation/Geotechnical Report in accordance with Section 16.36.200 of the NMC. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to parcel/final map approval. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work; that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of individual house plans in accordance with Title 15 of the NMC.

28. A deed disclosure shall be recorded contemporaneously with the Final Map informing all future property owners of Lot 10 and the "Designated Remainder" parcel of

the recommended setback from the fault zone identified on site per Section 5.3 of the Fault Investigation prepared by TRC Companies, Inc. dated May 29, 2008 (Report No. 2348-1/154871). The deed disclosure shall include a plat identifying the location of said fault zone relative to the property boundaries.

29. The plans submitted for improvement plan review (including grading, drainage, landscaping and all structures and foundations) shall be reviewed and approved by a Geotechnical Engineer prior to issuance of the grading permit. The improvement plans shall incorporate all measures described in the Phoenix Geotechnical Investigation dated January 30, 2009.

30. For seismic design according to the 2007 CBC, Site Class D shall be used for lots 2 through 10.

Hazards and Hazardous Materials

31. If any contamination is discovered during site grading/construction, the contractor shall stop work immediately and contact the registered geologist from the County of Napa Department of Environmental Management.

32. The plans submitted for improvement plan and building permit review (including grading, drainage, landscaping and all structures) shall be reviewed and approved by Fire Marshall prior to issuance of any required permits. Defensible space around structures shall be established and maintained in accordance with nationally recognized standards and practices. Prior to issuance of a building permit a detailed Firewise Landscape and Defensible Space Plan shall be submitted and approved.

33. The plans submitted for building permit shall include a landscape plan for each individual residence that will be reviewed by the Fire Marshall for compliance with the Firewise Landscape and Defensible Space Plan. All landscaping shall be installed prior to the issuance of a Certificate of Occupancy.

34. In wildland urban interface zones (Hillside) or high fire danger areas as determined by the Fire Department, ignition resistant construction materials and techniques shall be utilized. The project shall be designed and built utilizing the requirements set forth in Chapter 7A of the 2007 California Building Code.

Hydrology and Water Quality

35. To insure adequate drainage control, the Developer of any project which introduces new impervious surfaces (roof, driveways, patios) which will change the rate of absorption of drainage or surface run-off shall submit a drainage and grading plan designed in accordance with Policy Resolution No. 17 and the City of Napa Public Works Department Standard Specifications to the Public Works Department for its approval.

36. Side yards of each lot shall have of a minimum unobstructed width of five (5) feet. No building encroachments, door landings or mechanical equipment shall be placed in this unobstructed area without the review and approval of the Public Works Director in order to assure adequate drainage.

37. For any construction activity that results in the disturbance of five (5) acres or greater total land area, or is part of a larger common plan of development that disturbs five (5) acres or greater total land area, Developer shall file a Notice of Intent with the California Regional Water Quality Control Board ("SWRCB") prior to any grading or construction activity. In the event construction activity for the project occurs after the SWRCB has changed its General Permit for construction activity to cover disturbance(s) of one (1) acre or more, this measure shall apply to any construction activity for this project which results in the disturbance of one (1) acre or greater total land area, or is part of a larger common plan of development that disturbs one (1) acre or greater total land area.

38. The Developer shall ensure that no construction materials (e.g., cleaning fresh concrete from equipment) are conveyed into the storm drain system.

39. All materials that could cause water pollution (i.e., motor oil, fuels, paints, etc.) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site.

40. The Developer of an industrial facility shall file a Notice of Intent in accordance with the State General Permit with the State Water Resources Control Board prior to establishment of the use.

41. All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or ground water.

42. Developer shall meet the requirements of discharging to a public storm drainage system as required to ensure compliance by the City with all state and federal laws and regulations related to storm water as stipulated in the Clean Water Act. Developer shall meet the requirements of the National Pollutant Discharge Elimination System ("NPDES") permit in effect prior to completion of project construction for storm water discharges from the municipal storm water system operated by the City of Napa. Developer shall comply with the Storm Water Pollution Mitigation Plan ("SWPMP") submitted by Developer as part of its application as (modified and) approved by the Director of Public Works.

43. Developer shall mark all new storm drain inlets with permanent markings, which state "No Dumping—Flows to River." This work shall be shown on improvement plans.

44. Developer shall record a plan for long-term private maintenance acceptable to the Director of Public Works and the City Attorney for any storm water detention system incorporated as part of the project.

45. The grading and drainage plan shall include a design that allows for a 100-year overland release with all finish floor and garage slab elevations a minimum of one foot above the 100-year overland release elevation.

46. In general, it is the City's policy to require parcels to be graded to drain independently from adjoining parcels. If surface drainage is currently passing from adjoining properties onto the subject property, the grading plan for the project shall be designed to continue to accept such drainage and easements shall be established to allow such drainage patterns to continue. All surface drainage must be collected and conveyed to a public street, storm drain or approved outfall.

47. The overall project grading involves an area of disturbed surface soil that is greater than or equal to one acre, therefore the project property owner shall file a Notice of Intent (NOI) with the State Water Resources Control Board and prepare a Construction Storm Water Pollution Prevention Plan prior to any construction activity.

Land Use and Planning

48. Developer shall comply with all requirements of federal, state, and local laws and regulations applicable to project construction and issuance of building permits.

49. Developer shall comply with the monitoring/reporting check lists development pursuant to the City of Napa Resolution 96-153 regarding CEQA implementation procedures for both standard and project specific mitigation measures.

50. Developer shall notify all employees and agents of the mitigation measures and conditions applicable to the project and shall ensure compliance with such measures and conditions. Developer shall also notify all assigns and transferees of the same.

Noise

51. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.

52. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.

53. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.

54. Grading and construction equipment shall be shut down when not in use.

Public Services

55. Developer shall comply with all applicable requirements of the Uniform Fire Code the Fire Department and PWD Standard Specifications and the Fire Department "Standard Requirements for Commercial/Residential Projects," including, without limitation, the requirements for access, new construction, smoke detectors, fire extinguishers, fire hydrants, etc. Existing fire hydrants may be used to meet hydrant location requirements only if they meet or are changed to meet current hydrant specifications.

56. Properties having common ownership shall provide the Fire Department with a notarized copy of the recorded conditions, covenants, and restrictions agreement in a form satisfactory to the City Attorney ensuring that all components of fire protection system(s), and fire access roads will be maintained by a maintenance district, owner's association, or similar legally responsible entity.

57. All newly constructed buildings must have automatic sprinkler systems conforming to NFPA and City Standard Specifications, for which installation permit must be obtained from Fire Prevention. In multi-building complexes, or in buildings with three (3) or more stories, special monitoring conditions will be required. Existing habitable buildings, which are retained, shall be retrofitted.

58. The Developer of any project proposing a change in occupancy use classification (as defined in the Uniform Building Code Table 5A) in a building protected by automatic fire sprinklers shall have the sprinkler system evaluated by a licensed fire sprinkler contractor or fire protection engineer for compliance with National Fire Protection Association Installation Standards. A written report of the inspection findings shall be submitted to the Fire Department prior to final occupancy clearance. A permit is required from Fire Prevention for sprinkler system alterations.

59. The Developer of any project which proposes commercial occupancies shall secure approval from Fire Prevention and Building Departments prior to signing lease agreements and allowing occupancy of prospective occupants that pose possible fire and life safety hazards, or are classified, or are classified by the Uniform Building Code as an H (hazardous) occupancy.

60. Examples of these types of occupancies are: Storage of flammable, combustible, explosive, or toxic materials, manufacturing processes involving the above,

woodworking shops, fire rebuilding or storage, automotive repair, auto body repair and/or painting, factories where loose combustible fibers are present, semi-conductor fabrication facilities, bulk paint storage, etc.

61. Developer shall pay the required fire and paramedic fees for new development in accordance with Napa Municipal Code Chapter 15.78. Such fees shall be payable at the rate in effect at the time of payment for the unit involved. The findings set forth in the ordinance and Resolution 94-106 are incorporated herein. The City further finds that calculation of the fee pursuant to the formula set forth therein demonstrates that there is a reasonable relationship between the fees imposed and the cost of improvements attributable to this project.

Recreation

62. Developer shall pay the required fees for each new dwelling unit in accordance with the Napa Municipal Code Chapter 15.68. Such fee shall be payable at the rate in effect at the time of payment for the unit involved. The findings set forth in the ordinance and Resolution 92-084 are incorporated herein. The City further finds that calculation of the fee due pursuant to the formula set forth in Section 15.68.040 of the Napa Municipal Code demonstrates that there is a reasonable relationship between the fees imposed and the cost of the improvements attributable to this project.

63. Unless project approval requires only land dedication, the Developer shall pay In-lieu Park dedication fee(s) in accordance with and for the purposes of NMC Sections 16.32.040, 15.68.010 and 15.68.090 for each residential unit authorized or allowed by project approval. Such fee(s) shall be payable at the rate in effect at time of payment. The findings set forth in the ordinances and in Resolution 92-084 are incorporated herein. The City further finds that the calculation of fees in accordance with the formula set forth in NMC Section 16.32.040D demonstrates that there is a reasonable relationship between the amount of fees imposed and the costs of acquisition attributable to this project.

Transportation/Traffic

64. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the PWD Standard Specifications. Unless waived by the Public Works Director, street improvements shall include curbs, gutter, sidewalk, planting, streetlights, street trees, etc.; any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City.

65. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.

66. All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.

67. Any pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an alternate route established as approved by the Police Chief and Public Works Director.

68. In order to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collective street system, the Developer shall pay a Street Improvement Fee in accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of development demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this project.

Utilities and Service Systems

69. Prior to trenching within existing roadway areas, the Developer's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems.

70. Water and energy conservation measures shall be incorporated into project design and construction in accordance with applicable codes and ordinances.

71. The project shall be connected to the Napa Sanitation District for sanitary sewer service. If the subject property is presently served by individual sewage disposal systems, the septic systems, set backs, and reserve areas must be protected and maintained during cleaning, grading, construction, and after connection to the District, the existing septic tank(s) shall be properly destroyed.

72. The project shall be connected to the City of Napa water system. Any existing well must be properly protected from potential contamination. If an existing well is to be destroyed, a well-destruction permit must be obtained from the Napa County Department of Environmental Management by a licensed well driller. If an existing well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water District's specifications.

73. The project shall be designed and built in accordance with the PWD Standard Specification regarding the adequate conveyance of storm waters.

74. All faucets in sinks and lavatories shall be equipped with faucet aerators designed to limit the maximum flow to two and two tenths (2.2) gallons per minute.

75. All showerheads shall be of a design to limit the maximum flow to two and one-half (2.5) gallons per minute.

76. The Developer shall completely offset the water requirements of this project by complying with the retrofit requirements of Napa Municipal Code Chapter 13.09.

77. During the construction/demolition/renovation period of the project, Developer shall use the franchised garbage hauler for the service area in which the project is located to remove all wastes generated during project development, unless Developer transports project waste. If the Developer transports the project's waste, Developer must use the appropriate landfill for the service area in which the project is located.

78. Developer shall provide for the source separation of wood waste for recycling. Developer shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the Developer transports such wood waste to a location where wood waste is recycled.

Section 2. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 4th day of May, 2010, by the following roll call vote:

AYES: Techel, Mott, Krider, van Gorder, Inman

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:



Dorothy Roadman
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney

RESOLUTION R2015-56

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE HEUN SUBDIVISION (APN: 043-010-009) (PL14-0116)

WHEREAS, Ryder Homes Inc. submitted Tentative Subdivision Map, Design Review, and Use Permit applications to subdivide a 5.23-acre property into eleven single family residential lots, two of which are flag lots and the construction of nine new homes ("the Project") at 3095 Laurel Street (APN: 043-010-009); and

WHEREAS, the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. ("CEQA"), requires that the City consider the potential environmental impacts of the Proposed Project prior to approving any entitlements for the Proposed Project; and

WHEREAS, in accordance with the California Environmental Quality Act(CEQA), the City of Napa Community Development Department prepared an Initial Study which concludes that the project will not have a significant effect on the environment, therefore a Mitigated Negative Declaration has been prepared for adoption; and

WHEREAS, the City of Napa prepared a Mitigated Negative Declaration regarding the Proposed Project, pursuant to CEQA and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Napa CEQA Guidelines; and

WHEREAS, on March 25, 2015 the City of Napa posted a notice of Completion of the Mitigated Negative Declaration which identified the review period from March 25, 2015 to April 13, 2015, for review and comment by the public and public agencies having jurisdiction by law with respect to the project; and,

WHEREAS, on April 16, 2015 the Planning Commission considered the Mitigated Negative Declaration and all written and oral testimony submitted to them at a noticed public hearing on the Tentative Subdivision Map, Use Permit and Design Review Permit at which the Planning Commission heard a presentation by staff and took public testimony, and thereafter closed the public hearing and subsequently recommended that the City Council adopt a Mitigated Negative Declaration and approve a Tentative Subdivision Map, Use Permit and Design Review Permit for the Heun Subdivision; and

WHEREAS, on May 19, 2015 the City Council considered the Mitigated Negative Declaration and all written and oral testimony submitted to them at a noticed public hearing on a Tentative Subdivision Map, Use Permit and Design Review Permit for the Heun Subdivision, and received the recommendation of the Planning Commission, received a presentation by staff, and took public testimony, and thereafter closed the public hearing and considered the adequacy of the Mitigated Negative Declaration; and

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

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. The record of the proposed Project's environmental review shall be kept at the Napa City Community Development Department, 1600 First Street, Napa, CA 94559.

2. The City Council hereby finds that there is no substantial evidence, in light of the whole record before the City Council, that "the Project", as analyzed in the Initial Study prepared for the Heun Subdivision Tentative Map, Use Permit and Design Review, PL14-0116 dated March 25, 2015, will have a significant effect on the environment; and that this determination reflects the City Council's independent judgment; and the City Council adopts a Mitigated Negative Declaration for this project based upon the applicant's revision of the subject project to include the following mitigation measures:

Aesthetics

1. All new lighting on private property shall be designed to eliminate direct light spilling onto adjacent residential properties.
2. Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.
3. All new utilities shall be placed underground.
4. The plans submitted for the project improvements or building permit, whichever comes first, shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. No improvement plans shall be approved nor building permit issued until the Planning Department approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Director that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans and that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Director upon a showing of good cause.
5. All exterior lighting on the site shall be properly shielded and directed downward to preclude glare conditions that might impact adjacent properties or public streets.

6. All roofing, building and sign materials shall be painted or treated with a "flat" paint or treatment to reduce glare and reflective surfaces.

Air Quality

7. Grading and construction equipment shall be shut down when not in use.
8. Construction activities shall not occur during windy periods.
9. Exposed soil surfaces shall be periodically sprinkled to retard dust; no City water shall be used for this purpose.
10. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
11. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
12. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
13. The contractor or City official shall post several publicly visible signs at either end of the property with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 24 hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.
14. All vehicle speeds on unpaved roads shall be limited to 15 mph.
15. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
16. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
17. 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 order.

18. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
19. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
20. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
21. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
22. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
23. Any proposed fireplaces within the development shall include a gas insert and all stoves shall be required to meet EPA certification.

Biological Resources

24. The plans submitted for improvement plan review shall include a final landscape plan which clearly indicates the location of the 6 trees to be preserved on the project site. In the event that any of the 6 trees recommended to be saved are removed, the tree(s) shall be replaced or provided to the City for planting within a community area at a ratio of 5 new trees for each tree lost. The replacement trees shall be native trees and subject to the review and approval of the Community Development Department or submit to the City of Napa Community Resources Department an in-lieu fee of \$300 per new replacement tree.
25. To the extent feasible the 6 trees identified as for preservation shall be protected and preserved. The improvement plans submitted for review and approval to the Public Works Department shall include a tree preservation plan, prepared by a certified arborist which includes measures for protection of root structures, trunks and limbs during construction and any additional measures necessary for the continued health of the trees. This report shall evaluate the status of the trees and include recommendations for the optimum location, and configuration of the improvements in the interest of creating minimal impact on the subject trees.
26. The proposed project includes the removal of 25 trees that are classified as Protected Native Trees (NMC 12.45.020); with the majority of these trees being Coast Live Oak and Valley Oak. Per the Napa Municipal Code, the removal of protected trees may be approved with the requirement that the developer replace the trees in one of three ways: 1) for each six inches or fraction thereof of the protected native tree's diameter, two trees of the same species with a minimum

fifteen gallon container shall be planted on the project site; 2) for each protected tree removed, replant three (3) replacement trees of the same species 15 gallon size or larger may be planted on the project site; or 3) if the project site is inadequate to accommodate replacement trees on site, an in-lieu fee of \$300.00 per tree may be paid to the City for planting a tree on public land. Per City requirements, the Applicant is responsible for planting 75 replacement trees on the site or providing the trees in the form of an in-lieu fee of \$22,500.00.

27. The plans submitted for the building permit shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that: (1) all plant materials be certified by the Napa County Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner, and (2) the Agricultural Commissioner's Office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Division approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Manager that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications and inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Manager upon a showing of good cause.
28. A plan review letter shall be submitted by the tree preservation plan preparer which indicates whether or not the recommended measures have been satisfactorily included in the improvement plans.
29. The tree preservation plan preparer or other certified arborist, shall be retained during the construction process to make sure that the procedures specified in the preservation plan are followed. A final project review letter shall be submitted to the City by the tree preservation plan preparer, prior to the issuance of a certificate of occupancy, which reviews the final status of the trees and provides any additional recommendations for the continued protection upon occupancy of the dwelling units.

Cultural Resources

30. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Applicant shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.

31. The project applicant shall assure that project personnel (e.g., contractor, construction workers) are informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by law. Prehistoric or Native American resources can include chert or obsidian flakes, projectile points, mortars, and pestles as well as dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources can include nails, bottles, or other items often found in refuse deposits.

Geology and Soils

32. All Project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications (hereinafter referred to as PWD Standard Specifications).
33. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).
34. Applicant shall provide an erosion and sediment control plan and a schedule for implementation of approved measures to the Public Works Director for approval with the first improvement plans submitted for review. No grading and excavation shall be performed except in accordance with the approved plan and schedule.
35. A deed disclosure shall be recorded contemporaneously with the Final Map informing all future property owners of Lots 10 and 11 of the recommended setback from the fault zone identified on site per Section 5.3 of the Fault Investigation prepared by TRC Companies, Inc. dated June 13, 2014 (Report No, 215188.0). The deed disclosure shall include a plat identifying the location of said fault zone relative to the property boundaries.
36. The plans submitted for improvement plan review (including grading, drainage, landscaping and all structures and foundations) shall be reviewed and approved by a Geotechnical Engineer prior to issuance of the grading permit. The improvement plans shall incorporate all measures described in the PJC & Associates Geotechnical Investigation dated June 16, 2014.
37. Seismic design according to the 2007 CBC, Site Class D shall be used for lots 1 through 9.

Hazards and Hazardous Materials

38. If any contamination is discovered during site grading/construction, the contractor shall stop work immediately and contact the registered geologist from the County of Napa Department of Environmental Management.

39. The plans submitted for improvement plan and building permit review (including grading, drainage, landscaping and all structures) shall be reviewed and approved by Fire Marshall prior to issuance of any required permits. If necessary, defensible space around structures shall be established and maintained in accordance with nationally recognized standards and practices. Prior to issuance of a building permit a detailed Firewise Landscape and Defensible Space Plan shall be submitted and approved.
40. The plans submitted for building permit shall include a front yard landscape plan for each individual residence that will be reviewed by the Fire Marshall for compliance with the Firewise Landscape and Defensible Space Plan. All front yard landscaping shall be installed prior to the issuance of a Certificate of Occupancy. Backyard landscaping shall be completed by the buyer at a later date.
41. In wildland urban interface zones (Hillside) or high fire danger areas as determined by the Fire Department, ignition resistant construction materials and techniques shall be utilized. The project shall be designed and built utilizing the requirements set forth in Chapter 7A of the 2007 California Building Code.

Hydrology and Water Quality

42. To insure adequate drainage control, the Applicant of any project which introduces new impervious surfaces (roof, driveways, patios) which will change the rate of absorption of drainage or surface run-off shall submit a drainage and grading plan designed in accordance with Policy Resolution No. 17 and the City of Napa Public Works Department Standard Specifications to the Public Works Department for its approval.
43. Side yards of each lot shall have of a minimum unobstructed width of five (5) feet. No building encroachments, door landings or mechanical equipment shall be placed in this unobstructed area without the review and approval of the Public Works Director in order to assure adequate drainage.
44. For any construction activity that results in the disturbance of five (5) acres or greater total land area, or is part of a larger common plan of development that disturbs five (5) acres or greater total land area, Applicant shall file a Notice of Intent with the California Regional Water Quality Control Board ("SWRCB") prior to any grading or construction activity. In the event construction activity for the project occurs after the SWRCB has changed its General Permit for construction activity to cover disturbance(s) of one (1) acre or more, this measure shall apply to any construction activity for this project which results in the disturbance of one (1) acre or greater total land area, or is part of a larger common plan of development that disturbs one (1) acre or greater total land area.
45. The Applicant shall ensure that no construction materials (e.g., cleaning fresh concrete from equipment) are conveyed into the storm drain system. The Applicant shall pay for any required cleanup, testing and City administrative costs

resulting from the consequence of construction materials into the storm water drainage system.

46. All materials that could cause water pollution (i.e., motor oil, fuels, paints, etc.) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site.
47. All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or ground water. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.
48. Applicant shall meet the requirements of discharging to a public storm drainage system as required to ensure compliance by the City with all state and federal laws and regulations related to storm water as stipulated in the Clean Water Act. Applicant shall meet the requirements of the National Pollutant Discharge Elimination System ("NPDES") permit in effect prior to completion of project construction for storm water discharges from the municipal storm water system operated by the City of Napa. Applicant shall comply with the Storm Water Pollution Mitigation Plan ("SWPMP") submitted by Applicant as part of its application as (modified and) approved by the Director of Public Works.
49. Applicant shall mark all new storm drain inlets with permanent markings, which state "No Dumping—Flows to River." This work shall be shown on improvement plans.
50. Applicant shall record a plan for long-term private maintenance acceptable to the Director of Public Works and the City Attorney for any storm water detention system incorporated as part of the project.
51. To mitigate the project's long-term impacts, the property owner shall provide a Post-Construction Storm Water Runoff Management Plan (SWRMP) that is in accordance with the latest edition of the City of Napa's *"Post Construction Storm Water Pollution Prevention Design Standards"*. The SWRMP shall include, but is not limited to the following:
 - a. BMP's designed in accordance with the latest edition of the California Storm Water Association's *"Handbook for Storm Water BMP's"*.
 - b. Detention system improvements as required to maintain post development project runoff flows at pre-development levels for the 10 year, 25 year and 100 year storms and water quality treatment system improvements for runoff from storms with an intensity of 0.2 inches per hour. This will include time-based routing through the detention system to verify the adequacy of the system's storage volume.

- c. Detention system inlets sized to pass at a minimum the 100-year flows.
- d. Notation of the property owner's responsibility to maintain the BMP's.

52. All surface drainage must be collected and conveyed to a public street, storm drain or approved outfall. If surface drainage is currently passing from adjoining properties onto the subject property, then the project shall be designed to continue to accept such drainage and easements shall be established in favor of the adjoining property to allow the existing drainage patterns to continue. In addition, site design shall allow for a 100-year overland release with all finish floor elevations a minimum of one foot above the 100-year overland release elevation.

Land Use and Planning

53. Applicant shall comply with all requirements of federal, state, and local laws and regulations applicable to project construction and issuance of building permits.

54. Applicant shall comply with the monitoring/reporting check lists development pursuant to the City of Napa Resolution 96-153 regarding CEQA implementation procedures for both standard and project specific mitigation measures.

55. Applicant shall notify all employees and agents of the mitigation measures and conditions applicable to the project and shall ensure compliance with such measures and conditions. Developer shall also notify all assigns and transferees of the same.

Noise

56. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.

57. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.

58. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.

59. Grading and construction equipment shall be shut down when not in use.

Public Services

60. Applicant shall comply with all applicable requirements of the Uniform Fire Code the Fire Department and PWD Standard Specifications and the Fire Department "Standard Requirements for Commercial/Residential Projects," including, without limitation, the requirements for access, new construction, smoke detectors, fire extinguishers, fire hydrants, etc. Existing fire hydrants may be used to meet hydrant location requirements only if they meet or are changed to meet current hydrant specifications.
61. All newly constructed buildings must have automatic sprinkler systems conforming to NFPA and City Standard Specifications, for which installation permit must be obtained from Fire Prevention. In multi-building complexes, or in buildings with three (3) or more stories, special monitoring conditions will be required. Existing habitable buildings, which are retained, shall be retrofitted.
62. Applicant shall pay the required fire and paramedic fees for new development in accordance with Napa Municipal Code Chapter 15.78. Such fees shall be payable at the rate in effect at the time of payment for the unit involved. The findings set forth in the ordinance and Resolution 94-106 are incorporated herein. The City further finds that calculation of the fee pursuant to the formula set forth therein demonstrates that there is a reasonable relationship between the fees imposed and the cost of improvements attributable to this project.

Recreation

63. Applicant shall pay the required fees for each new dwelling unit in accordance with the Napa Municipal Code Chapter 15.68. Such fee shall be payable at the rate in effect at the time of payment for the unit involved. The findings set forth in the ordinance and Resolution 92-084 are incorporated herein. The City further finds that calculation of the fee due pursuant to the formula set forth in Section 15.68.040 of the Napa Municipal Code demonstrates that there is a reasonable relationship between the fees imposed and the cost of the improvements attributable to this project.
64. Unless project approval requires only land dedication, the Developer shall pay In-lieu Park dedication fee(s) in accordance with and for the purposes of NMC Sections 16.32.040, 15.68.010 and 15.68.090 for each residential unit authorized or allowed by project approval. Such fee(s) shall be payable at the rate in effect at time of payment. The findings set forth in the ordinances and in Resolution 92-084 are incorporated herein. The City further finds that the calculation of fees in accordance with the formula set forth in NMC Section 16.32.040D demonstrates that there is a reasonable relationship between the amount of fees imposed and the costs of acquisition attributable to this project.

Transportation/Traffic

65. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the PWD Standard Specifications. Unless waived by the Public Works Director, street improvements shall include curbs, gutter, sidewalk, planting, streetlights, street trees, etc.; any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City.
66. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.
67. All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.
68. Any pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an alternate route established as approved by the Police Chief and Public Works Director.
69. In order to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collective street system, the Applicant shall pay a Street Improvement Fee in accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of development demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this project.

Utilities and Service Systems

70. Prior to trenching within existing roadway areas, the Applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems.
71. Water and energy conservation measures shall be incorporated into project design and construction in accordance with applicable codes and ordinances.
72. The project shall be connected to the Napa Sanitation District for sanitary sewer service. If the subject property is presently served by individual sewage disposal systems, the septic systems, setbacks, and reserve areas must be protected and maintained during cleaning, grading, construction, and after connection to the District, the existing septic tank(s) shall be properly destroyed.

73. The project shall be connected to the City of Napa water system. Any existing well must be properly protected from potential contamination. If an existing well is to be destroyed, a well-destruction permit must be obtained from the Napa County Department of Environmental Management by a licensed well driller. If an existing well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water District's specifications.
74. The project shall be designed and built in accordance with the PWD Standard Specification regarding the adequate conveyance of storm waters.
75. All faucets in sinks and lavatories shall be equipped with faucet aerators designed to limit the maximum flow to two and two tenths (2.2) gallons per minute.
76. All showerheads shall be of a design to limit the maximum flow to two and one-half (2.5) gallons per minute.
77. The Applicant shall completely offset the water requirements of this project by complying with the retrofit requirements of Napa Municipal Code Chapter 13.09.
78. During the construction/demolition/renovation period of the project, Applicant shall use the franchised garbage hauler for the service area in which the project is located to remove all wastes generated during project development, unless Applicant transports project waste. If the Applicant transports the project's waste, Applicant must use the appropriate landfill for the service area in which the project is located.
79. Applicant shall provide for the source separation of wood waste for recycling. Applicant shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the Applicant transports such wood waste to a location where wood waste is recycled.
80. All mitigations shall be printed verbatim on one of the first three pages of all the working drawing sets used for 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.

This Resolution shall take effect immediately upon its adoption.

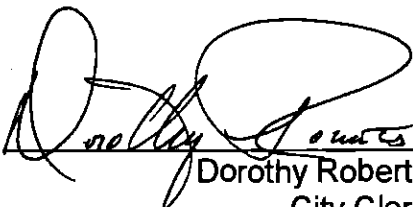
I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 19TH day of May, 2015, by the following vote:

AYES: Mott, Sedgley, Luros, Inman, Techel

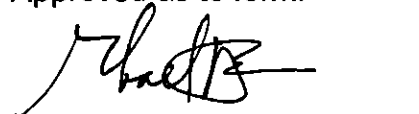
NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: 
Dorothy Roberts
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney