



COUNCIL AGENDA SUMMARY REPORT

**Meeting Date: March 18, 2008
PUBLIC HEARING ITEM: 11**

SUBJECT

Hold a Public Hearing to consider adoption of a Mitigated Negative Declaration and approval of a Tentative Subdivision Map (TM 07-05) for the Lombard Crossing Industrial Park.

SUBMITTED BY

Brent Cooper, AICP, Planning Director
Stephen Streeter, AICP, Contract Planner

BACKGROUND AND ISSUES

Requested Actions:

The following actions are requested of the City Council:

1. Adopt a Mitigated Negative Declaration for the Lombard Crossing Industrial Park Tentative Subdivision Map.
2. Approve Tentative Subdivision Map TM 07-05 to resubdivide the 25-acre site from 10 lots to 20 lots plus an open space lot.

Background:

The triangularly shaped project site is located at the northeast base of Oat Hill in the City of American Canyon, west of Highway 29 and immediately south of the Union Pacific Railroad tracks. The property is visible to southbound traffic on the Highway 29 railroad overpass.

The applicant proposes to re-subdivide a 25-acre site from its current configuration of 10 lots into a 20 lots Light Industrial subdivision with an additional open space lot (Lot A) containing wetlands and the North Slough tributary (to be dedicated to the City or another public agency). Napa County approved the original 10-lot industrial subdivision prior to City incorporation.

The Planning Commission voted unanimously to recommend the City Council adopt the Mitigated Negative Declaration, with changes as discussed below, and unanimously voted to recommend approval of Tentative Subdivision Map 07-05, with amendments to the conditions of approval.

The full background for this project, including project location, description of project and environmental review are discussed in the attached Planning Commission report for the February 28, 2008 meeting (See Attachment 3).

Project Description Summary:

Vehicle access into the site will be provided by public streets consisting of a new road that travels west from the northern terminus of Lombard Road. Two new public cul-de-sacs will

serve the site from the new public road. The proposed lots would range from approximately one half-acre to approximately one acre.

The property is designated Light Industrial in the General Plan and Zoning Code. Representative light industrial uses include building contractor offices, construction and small equipment storage, landscape services, electricians, maintenance and repair services, as well as veterinary, medical and other business and professional offices. It is anticipated that the majority of the lots will be sold to individual users with some lots held by the applicant.

The property is visible from Broadway/Highway 29 west of the railroad overpass. A portion of the project will occur on the slopes at the base of Oat Hill, which is to be graded into flat pads. The grading is proposed to be "balanced" within the project site, meaning that no import or export of soils would occur. The site is bisected by the North Slough, and will be preserved within the project and buffered from adjacent industrial uses. Design Guidelines are proposed to ensure future builders comply with minimum building and landscape design standards. Preservation of the North Slough and buffering it from development will retain an open space amenity within the project and minimize potential environmental impacts to biotic resources.

Planning Commission Meeting Summary:

The applicant, Richard Hess, expressed concerns with several draft mitigation measures and a Tentative Map condition of approval. Listed below is a summary of each issues and the Planning Commission's response.

1. Mitigation Measure IV.8 – Wetlands Area Preservation Eliminate the words "conservation easement" from the measure.

Staff and the Planning Commission concurred with this request because a proposed deed restriction is sufficient to preserve the North Slough and wetland buffer areas from development.

2. Mitigation Measure XV.4 – Traffic Monitoring Clarify how traffic monitoring would be implemented. Staff has clarified conditions under which a subsequent traffic study would be required and received concurrence from the applicant.

The revised wording is depicted below:

Mitigation Measure XV.4: The traffic study for the Lombard Crossing subdivision did not assume any business or professional office uses (December 2007 traffic study prepared by W-Trans). In the event the subdivision exceeds 20,000 square feet of business or professional offices (excluding offices of less than 1,500 square feet or that are secondary to the main use), the applicant shall submit a revised traffic impact analysis prior to issuance of a grading permit to the satisfaction of the Directors of Public Works and Planning. The traffic impact analysis shall comply with the City's traffic study guidelines, and include necessary measures to mitigate additional traffic impacts generated by the project.

3. Mitigation Measure I.2 – Landscape Screening Reduce the width of landscaping along the side and rear yard setbacks from a minimum of 5 feet to 2 feet because Walmart and other sites were approved with 2 feet of landscape buffer.

The Planning Commission did not concur with this amendment because trees require a minimum of 5 feet of landscaping to remain in a healthy growing condition. In addition, two

feet of landscape would not provide sufficient depth to screen light industrial uses, especially given the high visibility of the subdivision to drivers on southbound SR 29.

4. *Tentative Map Condition 54 – Recycled Water Delete* the requirement to install 4 and 6-inch recycled water mains to supply individual buildings within the subdivision. The applicant agreed to provide recycled water lines to irrigate landscaping throughout the site when recycled water becomes available. However, the applicant argued that the comparatively small buildings within the subdivision would not likely need enough reclaimed water to warrant the cost to install 4 and 6-inch recycled water mains.

The Planning Commission did not concur with deleting this condition because providing infrastructure to distribute recycled water would be more efficient to install at the time the subdivision is developed, and would lead to a greater assurance that recycled water will be used within the buildings when recycled water service is extended to the subdivision.

Findings:

The required findings are in the attached resolutions.

ENVIRONMENTAL DETERMINATION

The Lombard Crossing Industrial Park Tentative Subdivision Map project (TM 07-05) is subject to the California Environmental Quality Act (CEQA), and an Initial Study/Mitigated Negative Declaration (MND) was prepared. The environmental document is Attachment 4. The MND was circulated for public review prior to the Planning Commission and City Council hearings for this project. The Mitigated Negative Declaration was distributed to interested parties, including several public agencies, for a 30-day review period that concluded on March 1, 2008. One letter was received from Caltrans requesting 1) analysis of northbound left turn lane storage and southbound right-turn storage on State Route 29 and 2) an archaeological resources mitigation for any cultural resources found within adjacent State right-of-way. See Attachment 5 for the Caltrans letter and a response.

Environmental impacts that require mitigation include: aesthetics, air quality, biological resources, geology and soils, hydrology/drainage, noise, transportation/traffic and utilities and service systems. The Mitigated Negative Declaration contains a detailed discussion of all identified impacts and the proposed mitigation measures.

Aesthetics – The design guidelines will address the building materials, landscape screening and outdoor lighting to improve the appearance of the project, especially as viewed from Highway 29/Broadway.

Biological Resources – The wetlands on the property will be preserved as an open space lot of 8.3 acres. Extensive mitigation measures are recommended by the biologist and are incorporated into the City Council Resolution.

Noise – Future uses that would generate high noise levels during construction activities are addressed in the mitigation measures. Recording an avigation easement will be required by the Airport Land Use Commission due to the proximity of the Napa Airport.

Traffic – Trip generation from the proposed industrial park was addressed in a traffic impact study. Conditions and mitigation measures are proposed to address impacts to local roads and to Highway 29.

Water Supply – The use of potable water for future businesses and landscaping is addressed in Appendix M of the Initial Study/Mitigated Negative Declaration. Water conservation methods are required and future landscape irrigation is planned to convert to recycled water.

FINANCIAL IMPACT

There is no fiscal impact associated with this project.

ALTERNATIVES/IMPACTS

1. Adoption of the Mitigated Negative Declaration (MND) and approval of the Tentative Subdivision Map (TM 07-05) will permit the applicant to proceed to a Final Map and implement the project.
2. If the City Council denies the Tentative Subdivision Map, no action needs to be taken on the environmental document. The existing 10-lot subdivision would remain in place.

STAFF RECOMMENDATION

Staff recommends that the City Council:

1. Open the public hearing and take testimony from those in attendance.
2. Adopt the Mitigated Negative Declaration for the Lombard Crossing Industrial Park Tentative Map (TM 07-05), including the Mitigation Monitoring and Reporting Program.
3. Approve the attached resolution Approving Tentative Subdivision Map 07-05 for the Lombard Crossing Industrial Park Tentative Map subject to the conditions and mitigation measures.

Attachments

1. Draft resolution to adopt Mitigated Negative Declaration, including Mitigation Monitoring and Reporting Program.
2. Draft resolution to approve the Tentative Subdivision Map.
3. Planning Commission staff report – February 28, 2008
4. CEQA Initial Study and Mitigated Negative Declaration (limited distribution)
5. Caltrans letter of February 27, 2008 & response
6. Tentative Subdivision Map exhibits

Copies to:

Richard Hess, Applicant
Chaudhary & Associates, Civil Engineer



City of American Canyon

CITY COUNCIL RESOLUTION NO. 2008-

APPROVING TENTATIVE SUBDIVISION MAP TM 07-05 FOR THE LOMBARD CROSSING INDUSTRIAL PARK

Northwest end of Lombard Road, north of Napa Junction Road

APN: 058-530-001 through 010

WHEREAS, an application for a Tentative Subdivision Map for a light industrial park was filed by Richard H. Hess to permit the resubdivision of a 25 acre property from 10 lots to 20 lots with a Parcel A (open space lot) for property in the Industrial land use designation of the General Plan and in the Light Industrial zone with APNs 058-530-001 through 010; and

WHEREAS, pursuant to the California Environmental Quality Act, an Initial Study was prepared for the project which concluded that no significant adverse environmental impacts would occur as a result of the project because revisions to the project have been made by or agreed to by the applicant, and a Mitigated Negative Declaration was prepared; and

WHEREAS, based on the evidence in the record at the time, at its meeting of February 28, 2008, the Planning Commission adopted Resolution No. 2008-04 recommending that the City Council approve the Tentative Subdivision Map; and

WHEREAS, a duly-noticed public hearing was held by the City Council on March 18, 2008, at which time all those in attendance were given the opportunity to speak; and

WHEREAS, the City Council has considered all of the written and oral testimony presented at the meeting in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby approve the Lombard Crossing Industrial Park Tentative Subdivision Map (TM 07-05), based on the following findings and subject to the conditions of approval set forth in the attached Exhibit A and incorporated herein by reference.

1. The proposed map is consistent with the General Plan and any applicable specific plan.
The proposed map will be consistent with the General Plan based on the proposed land use being within the Industrial land use designation.
2. The design and improvement of the proposed subdivision is consistent with the General Plan and any applicable specific plan.
The design of the proposed subdivision is consistent with General Plan policies for the Light Industrial designation.
3. The site is physically suitable for the type of development.
The site is generally on gentle to moderately sloping terrain; the design of the Tentative Subdivision Map avoids the wetlands area, and has access to Lombard Road. It will be compatible with other Light Industrial and General Industrial uses in the area.
4. The site is physically suitable for the proposed density of development.
The site is generally on gentle to moderately sloping terrain and can accommodate the proposed uses on the 20 lots with all improvements and amenities.

5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The wetlands areas has been delineated and will be preserved as open space and will be mitigated as required by the Mitigated Negative Declaration and conditions of approval.

6. The design of the subdivision and the type of improvements is not likely to cause serious public health problems.

The design of the subdivision and improvements, as conditioned, has been determined to not be hazardous to the public health, safety and welfare.

7. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

The project, as conditioned, will not conflict with existing or proposed easements on or adjacent to the site.

8. The discharge of waste water, including sewage and stormwater runoff, from the proposed subdivision will meet all applicable water quality requirements of the Regional Water Quality Control Board (RWQCB).

The discharge of all waste water will meet all applicable RWQCB requirements in accordance with the conditions of approval.

The discharge of all stormwater will meet all applicable RWQCB requirements in accordance with the conditions of approval.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on March 18, 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

Dorothy Roadman, City Clerk

William D. Ross, City Attorney

Exhibit A
CONDITIONS OF APPROVAL
Lombard Crossing Industrial Park
Tentative Subdivision Map TM 07-05
Northwest end of Lombard Road, north of Napa Junction Road
APN: 058-530-001 through 010

Planning Department Sandra Cleisz, Senior Planner – (707) 647-4337

1. Approval is granted for Tentative Parcel Map PM 07-05 to subdivide a 25-acre site into 20 lots plus Parcel A, an open space lot, which shall be substantially as shown on the maps labeled Exhibits C, D, E and F, dated September 10, 2007, except as modified by these conditions.
2. All mitigation measures in the Mitigated Negative Declaration for this project and its Mitigation Monitoring and Reporting Program (MMRP) are hereby incorporated into the conditions of approval for this project and shall be implemented and signed off according to the timing and responsibilities outlined in the MMRP, except as modified by the Planning Commission approval subject to their finding of less than significant impacts.
3. The applicant shall record an overflight easement on the project site prior to recordation of the final map.
4. The applicant shall apply for and receive approval of a Consistency Determination by the Airport Land Use Commission prior to the issuance of any building permits.
5. Future development within the Tentative Subdivision Map area shall be subject to the Design Guidelines, as adopted by the Planning Commission prior to the issuance of any building permits. The Planning Commission has the authority to modify the Design Guidelines
6. The applicant shall indemnify, hold harmless and defend the City, its elected officials, officers, employees and agents from any lawsuit associated with any claim of illegality or legal inadequacy associated with the approval of applicant's application for the Tentative Subdivision Map approval. If separate counsel is deemed appropriate, the applicant shall execute a joint defense agreement with the City with respect to any matter concerning the project approvals that results in a claim or litigation challenging those approvals. The City shall select legal counsel that is satisfactory to both parties.

Public Works Department Cheryl Braulik, Senior Civil Engineer – (707) 647-4588

GENERAL

7. The Final Map shall be prepared in accordance with the State Map Act and local ordinances.
8. Closure calculations shall be provided at the time of initial Final Map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the

closure calculation printout. The point(s) of beginning shall be clearly defined. All lot acreages shall be shown on the map and shall be verifiable from information shown on the closure calculation printout.

9. A current title report (within past 30 days) shall be submitted at the time of initial Final Map check submittal.
10. If the subdivision improvements are not completed and accepted by the City prior to the filing of the Final Map, the developer shall enter into a subdivision improvement agreement with the City and pay all applicable fees prior to or concurrent with the City's approval of the agreement unless otherwise approved by the City Engineer and/or City Council.
11. Existing easements shown to be abandoned on the Tentative Subdivision Map may be abandoned on the Final Map in accordance with Section 66499.20 of the Subdivision Map Act except for those deemed to remain or require compensation to the City for abandonment as determined by the City Engineer.

DEDICATIONS, EASEMENTS AND ACCESS

12. The Developer shall dedicate sufficient right-of-way to construct the streets shown on the Tentative Subdivision Map - Grading & Drainage Plan - Hess/Lombard plans prepared by Chaudhary & Associates dated September 10, 2007 and as modified by these conditions of approval.

Timing: Submittal of Final Map

13. The Developer shall dedicate a 25' easement to the City of American Canyon for the purpose of emergency access as called out on the Tentative Subdivision Map - Grading & Drainage Plan - Hess/Lombard plans prepared by Chaudhary & Associates dated September 10, 2007.

Timing: Submittal of Final Map

14. The Developer shall dedicate Parcel A to the City of American Canyon for purposes of flood control and wetland mitigation as called out on the Tentative Subdivision Map - Grading & Drainage Plan - Hess/Lombard plans prepared by Chaudhary & Associates dated September 10, 2007.

Timing: Submittal of Final Map

15. The developer shall dedicate a 10' public utility easement along the frontage of all public streets, as shown on the Tentative Subdivision Map - Grading & Drainage Plan - Hess/Lombard plans prepared by Chaudhary & Associates dated September 10, 2007.

Timing: Submittal of Final Map

16. The developer shall dedicate private drainage easements as necessary to accommodate the proposed private storm drain system as shown on the Tentative Subdivision Map - Grading & Drainage Plan - Hess/Lombard plans prepared by Chaudhary & Associates dated September 10, 2007.

Timing: Submittal of Final Map

17. A right-of-way dedication or improvement shown on the map that is not consistent with requirements contained in the City Standard Specifications shall not be deemed approved by approval of the Tentative Subdivision Map unless specifically allowed as a condition of

approval of the Tentative Subdivision Map, and that approval of the parcel/Final Map shall be subject to dedicating rights -of-way and easements or constructing improvements that are in accordance with the standard specifications.

18. The following features of the subdivision shall be maintained by a zone in the American Canyon Lighting and Landscape Assessment District (LLAD): landscaping along public streets, the retaining wall at the southwest area of the project, storm water quality features, outfalls to the North Slough, landscaped slopes, and Parcel A in its entirety. However, Parcel A will be maintained by the developer until the regulatory agency permits required by the project's mitigation measures have been fulfilled. Also, the maintenance of conveyance capacity in the North Slough will not be the responsibility of the LLAD. The developer shall pay for the initial engineer's report, which will be prepared by the City's assessment engineer. The engineers report will identify the items to be maintained and the estimated cost.

Timing: Engineers report shall be approved prior to recordation of the final map

19. The Developer shall provide a long term management plan for Parcel A which shall be subject to the review and approval of the Public Works Director prior to recordation of the Final Map. The long term management plan shall provide an estimate of the ongoing operating, maintenance and repair costs associated with Parcel A.

Timing: Prior to recordation of Final Map

20. All onsite post-construction storm drain Best Management Practices shall be maintained by individual property owners within the subdivision. A yearly inspection and maintenance report shall be prepared by the property owners and submitted to the City by October 15th of each year at the property owner's expense.

Timing: Compliance after occupancy

STREETS

21. The Lombard Crossing Industrial Park Project Mitigation Measures XV.1 through XV.5 are incorporated into these conditions of approval.

22. The design and construction of all public street improvements shall conform to the City of American Canyon Public Works Department Standard Plans and Specifications for Public Improvements, latest edition, unless otherwise approved by the City Engineer.

23. Vertical curb and gutter shall be constructed along the frontages of all public streets.

Timing: Improvement plans submitted with Final Map

24. Curb ramps shall be constructed in accordance with the American Disability Act requirements.

Timing: Improvement plans submitted with Final Map

25. Streetlights shall be installed along the frontages of all public streets within and along the periphery of the project per the City of American Canyon Public Works Department Standard Plans and Specifications for Public Improvements.

Timing: Improvement plans submitted with Final Map

26. Pavement structural section for streets and paved areas shall be designed in accordance with City Standards and based on the geotechnical report prepared for the project.

Timing: Improvement plans submitted with Final Map

27. Buildings on individual lots in the subdivision shall be subject to the traffic impact fees in effect when the building permits are issued.

Timing: Prior to issuance of a building permit.

28. Unless needed improvements to the SR 29 Corridor are included in a traffic impact fee update prior to building permit issuance, the project shall be subject to a SR 29 South Corridor Capacity Mitigation fee in the amount of \$114,057 per the project traffic report dated December 6, 2007. The individual building projects within the subject shall pay the following amounts toward this fee:

- General Light Industrial, \$1,242 per 1,000 square feet
- Manufacturing, \$938 per 1,000 square feet.

Timing: Prior to issuance of a building permit.

29. The Developer's request for a modification to eliminate the on-street parking requirements and for partial relief from the sidewalks required by Section 3.01 and City Standard drawing #3.02A of the City of American Canyon Public Works Department Engineering Standard Plans and Specifications for Public Improvements is approved based on the proposal to meet the intent of the standards by alternate methods. The standard requires industrial streets to have a 74' right-of-way. The revised cross section and right-of-way width is as follows:

- For the "east-west street" the standard shall be modified to require a minimum right-of-way of 38'. This will accommodate a 12' travel lane, 2' curb and gutter, 5' landscape strip and 5' detached sidewalk on the north side of centerline and a 12' travel lane, 2' curb and gutter on the south side of centerline.
- For the "east-west street" west of the North Slough, the standard shall be modified to require a minimum right of way of 38'. This will accommodate a 12' travel lane, 2' curb and gutter, 5' landscape strip, and 5' detached sidewalk on the north side and a 12' travel lane, 2' curb and gutter on the south side of the centerline. The right of way width in this section will be widened to the south up to a maximum of 59' to accommodate the proposed retaining wall at the southwest area of the project.
- For the "eastern cul-de-sac" the standard shall be modified to require a minimum right-of-way of 38'. This will accommodate a 12' travel lane, 2' curb and gutter, 5' landscape strip and 5' detached sidewalk on the east side of centerline and a 12' travel lane, 2' curb and gutter on the west side of centerline.
- For the "western cul-de-sac" the standard shall be modified to require a minimum right-of-way of 48'. This will accommodate a 12' travel lane, 2' curb and gutter, 5' landscape strip and 5' detached sidewalk on the east and west side of centerline.

Timing: Improvement plans submitted with Final Map

30. The developer's request for a modification to use monolithic sidewalk instead of the detached sidewalk required by Section 3.01 and City Standard drawing #3.02A of the City of American Canyon Public Works Department Engineering Standard Plans and Specifications for Public Improvements is not approved. Detached sidewalks shall be constructed along the north side of the "east-west street", along the east side of the eastern cul-de-sac and along both sides of the western cul-de-sac.

Timing: Improvement plans submitted with Final Map

31. An offsite curb ramp shall be constructed at the southwest corner of the "east-west street" and Lombard Street. An offsite sidewalk shall be constructed along the west side of Lombard Street, to a point approximately 60' south of the centerline of the "east-west street".
Timing: Improvement plans submitted with Final Map
32. An offsite sidewalk shall be constructed on the north side of the "east-west street" between Lot 1 and Lombard Street. An offsite curb ramp shall be constructed at the northwest corner of the "east-west street" and Lombard Street.
Timing: Improvement plans submitted with Final Map
33. The minimum curb-return radius at the intersection of the "east-west street" and the western cul-de-sac intersection shall be 50'.
Timing: Improvement plans submitted with Final Map

WATER SYSTEM

34. The Lombard Crossing Industrial Park Project Mitigation Measures XVI.2 through XVI.6 are incorporated into these conditions of approval.
35. The design and construction of all water system improvements shall conform to the City of American Canyon Public Works Department Standard Plans and Specifications for Public Improvements, latest edition, unless otherwise approved by the City Engineer.
36. The location and number of fire hydrants shall be installed in compliance with the American Canyon Fire Protection regulations.
Timing: During grading and construction of improvements
37. Water services shall be provided by the Developer to the project in accordance with City Ordinance.
Timing: During grading and construction of improvements
38. Water service connections shall be designed and constructed in accordance with City Standard Specifications and local ordinances.
Timing: During grading and construction of improvements
39. All proposed water improvements, including the connection to the existing or proposed water system shall be shown on the improvement plans and constructed as part of the project improvements.
Timing: Prior to issuance of a building permit
40. The Developer shall submit final hydraulic calculations to the City Engineer to prove adequacy, size, and location of all proposed water system facilities. Final sizing of the water lines and lift station shall be reviewed by the City Engineer during the plan check process and shall be revised at the direction of the City Engineer.
Timing: Improvement plans submitted with Final Map
41. The project shall be required to comply with provisions of the Draft Water Shortage Emergency Plan in the Urban Water Management Plan until such time as a permanent ordinance is adopted.
42. The developer shall dedicate any necessary land for major water distribution, transmission,

storage and pumping facilities as may be necessary to serve the project.

Timing: Prior to recordation of the Final Map

43. The Developer shall pay water capacity fees in accordance with the City of American Canyon Municipal Code, Chapter 13.06.

Timing: Prior to building permit issuance

WASTEWATER SYSTEM

44. The Lombard Crossing Industrial Park Project Mitigation Measure XVI.7 is incorporated into these conditions of approval.

45. The design and construction of all public sanitary sewer improvements shall conform to the City of American Canyon Public Works Department Standard Plans and Specifications for Public Improvements, latest edition, unless otherwise approved by the City Engineer.

46. The Developer shall submit final sanitary sewer calculations to the City Engineer to prove adequacy, size, and location of all proposed sewer system facilities. Final sizing of the sewer lines shall be reviewed by the City Engineer during the plan check process and shall be revised at the direction of the City Engineer.

Timing: Improvement plans submitted with Final Map

47. All proposed sewer improvements, including the connection to the existing or proposed sewer system shall be shown on the improvement plans and constructed as part of the project improvements.

Timing: Prior to issuance of a building permit

48. Sewer service shall be provided by the Developer to the site in accordance with City Ordinance.

Timing: Improvement plans submitted with Final Map

49. The Developer shall pay sewer capacity fees in accordance with the City of American Canyon Municipal Code, Chapter 14.04.

Timing: Prior to building permit issuance

RECYCLED WATER SYSTEM

50. The Lombard Crossing Industrial Park Project Mitigation Measure XVI.1 is incorporated into these conditions of approval.

51. The design and construction of all recycled water system improvements shall conform to the City of American Canyon Public Works Department Standard Plans and Specifications for Public Improvements, latest edition, unless otherwise approved by the City Engineer.

52. All proposed recycled water improvements, including the connection to the existing or proposed recycled water system shall be shown on the improvement plans and constructed as part of the project improvements.

Timing: prior to improvement plan approval

53. The developer shall construct recycled water lines in all public streets to supply future recycled water use on individual lots. Recycled water mains shall be sized to meet hydraulic

requirements of future uses; the estimated diameter is between 4" and 6".

Timing: Prior to issuance of a building permit

54. The developer shall dedicate any necessary land for major recycled water distribution, transmission, storage and pumping facilities as may be necessary to serve the project.

Timing: Prior to recordation of the Final Map

STORM DRAINAGE SYSTEM

55. The Lombard Crossing Industrial Park Project Mitigation Measures IV.1 through IV.8 and measures VIII.1 through VIII.4 are incorporated into these conditions of approval.

56. The design and construction of all public storm drainage improvements shall conform to the City of American Canyon Public Works Department Standard Plans and Specifications for Public Improvements, latest edition, unless otherwise approved by the City Engineer.

57. The Developer shall submit a final drainage study, including calculations, to the City Engineer to prove adequacy, size and location of all proposed storm drain system facilities. The final design of the storm drain system facilities shall be reviewed by the City Engineer during the plan check process and shall be revised at the direction of the City Engineer.

Timing: Prior to issuance of a Grading permit or with improvement plans submitted with Final Map, whichever comes first

58. All proposed storm drain improvements, including the connection to the existing or proposed storm drain system shall be shown on the improvement plans and constructed as part of the project improvements.

Timing: Improvement plans submitted with Final Map

59. The developer shall submit a final Storm Water Management Plan that incorporates construction and post construction Best Management Practices (BMP's). The final Storm Water Management Plan shall be reviewed by the City Engineer during the plan check process and shall be revised at the direction of the City Engineer.

Timing: Prior to issuance of a Grading permit or with improvement plans submitted with Final Map, whichever comes first

60. The developer shall dedicate any necessary land for open channels, detention/retention basins, and pump stations as may be necessary to serve the project.

Timing: Improvement plan approval prior to issuance of building permit

61. The developer shall provide annual mitigation monitoring reports for Parcel A to the City Engineer in accordance with regulatory permits. The reports shall be peer reviewed by the City at the Developer's expense.

Timing: Compliance after occupancy

62. A hydraulic report will be required to accompany the bridge design. The report shall specifically address the design of the bridge and shall include items required by the Public Works Director such as a scour analysis. The report shall be peer reviewed by the City at the Developer's expense.

Timing: Improvement plans submitted with Final Map

UTILITIES

63. The developer shall dedicate any necessary land for utility company facilities as may be necessary to serve the project.

Timing: Prior to improvement plan approval

64. All proposed utilities shall be placed underground.

Timing: Prior to certificate of occupancy.

GEOTECHNICAL, GRADING AND EROSION CONTROL

65. The Lombard Crossing Industrial Park Project Mitigation Measures III.1 through III.3 and VI.1 through VI.2 are incorporated into these conditions of approval.

66. All grading work shall conform to the City of American Canyon Public Works Department Standard Plans and Specifications for Public Improvements, latest edition, unless otherwise approved by the City Engineer.

67. A grading permit shall be obtained for the construction of the subdivision in accordance with Chapter 33 of the Uniform Building Code.

Timing: Prior to grading permit issuance

68. Submission of a soils and geotechnical report shall be required as a condition of the improvement plan approval.

Timing: Prior to Grading permit issuance or with improvement plans submitted with Final Map, whichever comes first

69. A grading, geotechnical and erosion and sediment control plan shall be included as part of the improvements plans. The improvement plans shall be signed by the soils engineer prior to approval by the City.

Timing: Prior to grading permit issuance

70. Grading shall be done in accordance with a grading plan prepared by the applicant's civil engineer and approved by the City Engineer. All grading work shall be performed in one continuous operation.

Timing: During grading and construction of improvements

71. Upon completion of the grading, the developer shall submit a compaction report from a geotechnical engineer stating the site, including the building pads, have been constructed in accordance with the approved plans.

Timing: During grading and construction of improvements

72. Upon completion of the grading, the developer shall submit a certification from a civil engineer or licensed land surveyor stating the site has been constructed in accordance with the approved plans.

Timing: During grading and construction of improvements

73. Reasonable measures shall be provided for and practiced to minimize any nuisance from dust during grading and construction operations.

Timing: During grading and construction of improvements

74. The developer shall be responsible for obtaining the necessary Regional Water Quality Control Board (RWQCB) storm water pollution permit for grading and construction activities. The developer shall submit 2 copies of the Notice of Intent (NOI) and the Storm Water Pollution Prevention Plan (SWPPP) to the City.

Timing: Prior to grading permit issuance

75. All of the retaining wall, including soil nails, shall be located on the Lombard Crossing Industrial Park property.

Timing: Prior to Grading permit issuance or with improvement plans submitted with the Final Map, whichever comes first

76. The geotechnical report submitted with the Final Map shall specifically address slope stability of the proposed retaining wall at the southwest corner of the project. Slope stability shall be evaluated by a registered Engineering Geologist. The report will be subject to peer review by the City using an independent geotechnical engineer and registered Engineering Geologist at the Developer's expense.

Timing: Prior to Grading permit issuance or with improvement plans submitted with Final Map, whichever comes first

LANDSCAPING AND IRRIGATION

77. The design and construction of all irrigation and landscaping improvements shall conform to the City of American Canyon Public Works Department Standard Plans and Specifications for Public Improvements, latest edition, unless otherwise approved by the City Engineer.

78. The developer shall submit irrigation and landscape plans to the City for approval. The irrigation system shall be designed and constructed to make use of recycled water when it becomes available.

Timing: Improvement Plans submitted with Final Map

79. The irrigation system shall have Evapo-Transpiration/SMART controllers.

Timing: Improvement Plans submitted with Final Map

MISCELLANEOUS

80. The developer shall pay all applicable City fees and charges at the rate and amount in effect at the time such fees and charges become due and payable. Prior to final action by the City Council on this application the applicant will be provided a detailed list of all required fees and when they are due and payable.

81. Existing public and private facilities damaged during the course of construction shall be repaired by the developer, at his sole expense, to the satisfaction of the City Engineer.

Timing: Prior to certificate of occupancy

82. Construction and grading activities on the site shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday. Work on weekends and holidays require written approval from the City Engineer. If weekends and holiday work is approved construction and grading activities on the site shall be limited to between 8:00 a.m. to 6:00 p.m. on Saturdays, and between 10:00 a.m. and 6:00 p.m. on Sundays and State and Federal holidays.

Timing: During grading and construction improvements

83. The developer shall be responsible for obtaining all necessary permits from all applicable agencies prior to commencement of grading activities, unless otherwise approved by the City Engineer.

Timing: Prior to grading permit issuance.

84. In the event any historic or cultural resources are discovered during the grading, all activities shall cease. A qualified archaeologist shall be retained to preserve, protect, or remove any significant historic or cultural resources.

Timing: During grading and construction improvements

85. Prior to the placement of building materials onsite, an all-weather surface road shall be constructed to the satisfaction of the Public Works Director and Fire Chief.

Timing: During grading and construction improvements

86. At the completion of the project the developer shall submit a set of as-built plans to the engineering division. The as-built plans shall be submitted both electronically and hard copy (mylar).

Timing: Prior to subdivision acceptance

87. Monuments shall be installed in accordance with City of American Canyon Public Works Department Standard Plans and Specifications for Public Improvements, latest edition, unless otherwise approved by the City Engineer. A minimum of two (2) monuments shall be installed in all subdivisions with coordinates on the California Coordinate System, Zone III.

Timing: Final map

Fire Department

Mark Nelson, Fire Marshal – (707) 551-0652

88. All Fire Department regulations and requirements shall be implemented prior to construction of the first building.

89. Public fire hydrants shall be installed and in service prior to combustible construction taking place.

90. All fire hydrants will need to be no more that 300 feet apart (on center).

91. All access roads need to be installed and serviceable prior to combustible construction being erected.

92. The Lombard Crossing Industrial Park Project Mitigation Measure VII.1 (use and storage of hazardous materials) is incorporated into these conditions of approval.



City of American Canyon

CC RESOLUTION NO. 2008-

ADOPTING A MITIGATED NEGATIVE DECLARATION

**FOR THE LOMBARD CROSSING INDUSTRIAL PARK TENTATIVE SUBDIVISION
MAP 07-05**

Northwest end of Lombard Road, north of Napa Junction Road

APN: 058-530-001 through 010

WHEREAS, an application for a Tentative Subdivision Map for a light industrial business park was filed by Richard H. Hess to permit the resubdivision of a 25 acre property from 10 lots to 20 lots with a Parcel A (open space lot) for property in the Industrial land use designation of the General Plan and in the Light Industrial zone with APNs 058-530-001 through 010; and

WHEREAS, pursuant to the California Environmental Quality Act, an Initial Study was prepared for the project which concluded that no significant adverse environmental impacts would occur as a result of the project because revisions in the project have been made by or agreed to by the applicant, and a Mitigated Negative Declaration was prepared; and

WHEREAS, pursuant to the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration was circulated to State and local agencies; and

WHEREAS, based on the evidence in the record at the time, at its meeting of February 28, 2008, the Planning Commission adopted Resolution No. 2008-03 recommending that the City Council adopt the Mitigated Negative Declaration; and

WHEREAS, a duly-noticed public hearing was held by the City Council on March 18, 2008, at which time all those in attendance were given the opportunity to speak; and

WHEREAS, the City Council considered the information in the Initial Study/Mitigated Negative Declaration in making its independent decision, and determined that the project would not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of American Canyon hereby finds as follows:

1. An Initial Study was prepared for the project and proper notice was provided in accordance with CEQA and local guidelines.
An Initial Study/Mitigated Negative Declaration was prepared and circulated with a 30-day review period, and proper notice was provided.
2. Based upon the Initial Study, there is no substantial evidence that supports a fair argument that the project, as conditioned, would have a significant effect on the environment.
There is no substantial evidence that the project, as conditioned, would have a significant effect.

3. The project does not have the potential to have a significant adverse impact on wildlife resources as defined in the State Fish and Game Code, either individually or cumulatively as a result of mitigation measures that are agreed to.
The identified wetlands are conditioned to be preserved or mitigated in accordance with California Department of Fish & Game, Army Corps, and Regional Water Quality Control Board permitting standards.
4. The project is not located on a site listed on any Hazardous Waste Site List compiled by the State pursuant to Section 65962.5 of the California Government Code.
The project is not currently on such a site as documented by the County of Napa, Department of Environmental Management.
5. The Planning Commission has reviewed the Initial Study and considered public comments before making a recommendation on the project.
The Planning Commission has reviewed the document and considered public comments prior to unanimously recommending approval of the Mitigated Negative Declaration.
6. The record of proceedings of the decision on the project is available for public review at the City of American Canyon Planning Department, 3423 Broadway, Suite D-2, American Canyon, CA 94503.
The administrative record is available for public review at the above address.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council accepts and adopts the Initial Study and Mitigated Negative Declaration, including all mitigation measures attached as Exhibit A, for the Lombard Crossing Light Industrial project as complete and adequate.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on March 18, 2008 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

Dorothy Roadman, City Clerk

William D. Ross, City Attorney

EXHIBIT A

LOMBARD CROSSING INDUSTRIAL PARK INITIAL STUDY/MITIGATED NEGATIVE DECLARATION MITIGATION MONITORING AND REPORTING PROGRAM APN: 058-530-001 through 010

MITIGATION MEASURES:

I. Aesthetics

Mitigation Measure I.1: Design Guidelines shall be adopted prior to building permit issuance and shall be applied to all development and site modifications to achieve consistency in design quality and improve the visual character of the property and the development. The design guidelines shall be subject to the review, approval, and amendment of the Planning Commission.

Timing: Prior to issuance of first building permit

Implementation Party: Applicant, Planning Dept.

Enforcement & Monitoring Agency: Planning Dept.

Compliance Verification (Initials & Date):

Mitigation Measure I.2: Prior to issuance of occupancy permits for each parcel, landscape screening shall be provided along the borders of each lot. Such screening shall be with native and/or drought tolerant trees, shrubs, vines, and groundcovers, and shall be a minimum of 5 feet wide. Landscape screening a minimum of 10 feet wide shall be provided between the railroad tracks and Lots 1-4, within the drainage easement and along the east side of Lot 1.

Timing: Prior to issuance of certificate of occupancy for each parcel

Implementation Party: Applicants

Enforcement & Monitoring Agency: Planning Dept. /Building Div.

Compliance Verification (Initials & Date):

Mitigation Measure I.3: All lighting onsite shall be the minimum necessary to provide security, and shall not over light the area. Photometric plans shall be required of all development proposals. All outdoor light fixtures shall be oriented downward and lighting shall be completely contained on the developed portions of the property. All lighting shall be shielded, either architecturally or with hooded covers, and screened at the property lines with landscaping or other features.

Timing: Street Improvements plan check, Building plan check; prior to each building permit issuance

Implementation Party: Applicants

Enforcement & Monitoring Agency: Engineering, Planning Dept.

Compliance Verification (Initials & Date):

Mitigation Measure I.4: Non-reflective glass and building materials shall be used for all sides of all buildings onsite, including rooftops.

Timing: Building plan check; prior to each building permit issuance

Implementation Party: Applicants

Enforcement & Monitoring Agency: Planning Dept. and Building Div.

Compliance Verification (Initials & Date):

III. Air Quality

Mitigation Measure III.1: To offset potential greenhouse gas emissions due to the conversion and development of a vacant property to a light industrial site, the following measures shall be implemented:

- a. Construction equipment and diesel trucks operating onsite or on any parcel of the property shall limit idling to a maximum of five minutes.
- b. Each development onsite shall utilize energy efficiency measures and/or implement energy reduction or production measures to reduce energy use beyond normal Title 24 requirements. Energy production measures such as the installation of solar panels are encouraged and shall not be subject to Design Review (but shall not be reflective).

Timing: During construction; building plan check, prior to occupancy;

Implementation Party: Applicant, future applicants, and all contractors

Enforcement & Monitoring Agency: Engineering, Planning Dept., Building Div.

Compliance Verification (Initials & Date):

Mitigation Measure III.2: Consistent with guidance from the BAAQMD, the following measures shall be required of all construction onsite and shall be included in all contracts and specifications for the project:

- a. Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 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 (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
- e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets;
- f. Apply non-toxic soil stabilizers to inactive construction areas;
- 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.

Timing: Prior to and during Construction

Implementation Party: Applicant, future applicants, and all contractors

Enforcement & Monitoring Agency: Planning Dept., Engineering Compliance Verification (Initials & Date):

Mitigation Measure III.3: The following are additional mitigation measures that shall be implemented as recommended by the BAAQMD to reduce engine exhaust emissions:

- a. Use alternative fueled construction equipment
- b. Minimize idling time (5 minutes maximum);
- c. Maintain properly tuned equipment;
- d. Limit the hours of operation of heavy equipment and/or the amount of equipment in use.

Timing: During construction

Implementation Party: Applicant, future applicants, and all contractors

Enforcement & Monitoring Agency: Planning Dept., Engineering Inspector

Compliance Verification (Initials & Date):

IV. Biological Resources

Mitigation Measure IV.1: Nesting surveys shall be conducted in the spring of the year prior to construction of the project. A letter from a biologist providing proof of such surveys and its results shall be submitted to the Planning Department and Engineering Division prior to grading or site disturbance. If construction is to commence between March 1 and September 1, surveys shall be conducted no more than 30 days prior to construction of the project. The raptor nesting surveys shall include examination of all trees and shrubs within sphere of influence of the proposed project area and the entire upland grassland onsite for ground nesting birds.

If nesting raptors are identified during the surveys, the dripline of the nest tree or shrub shall be fenced with clearly-marked chain link fencing, and a 300-foot radius buffer around the nest tree or shrub must be staked with bright orange lath or orange construction fencing, to be overseen by the biologist of record. This 300-foot buffer may be reduced in size only if the qualified biologist determines through monitoring that the nesting raptors are acclimated to people and disturbance, and otherwise would not be affected by construction activities. All such changes shall be accompanied by a letter notice to the Planning Department.

Timing: Spring of the year prior to construction or site disturbance

Implementation Party: Applicant/Project Biologist

Enforcement & Monitoring Agency: Planning Dept., Engineering

Compliance Verification (Initials & Date):

Mitigation Measure IV.2: A nesting survey for nesting passerine birds shall be conducted 15 days prior to commencing construction work when such work commences between March 1 and September 1. A letter from a biologist providing proof of such surveys and its results shall be submitted to the Planning Department and Engineering Division prior to grading or site disturbance. If special status birds, such as loggerhead shrike and/or tricolored blackbirds, or any other special status species are identified nesting within the area of effect, a 100-foot radius around the nest shall be staked with bright orange spray painted lath or construction fencing, and shall be overseen by the biologist of record.

Timing: Prior to start of site disturbance, grading and construction

Implementation Party: Applicant/Project Biologist

Enforcement & Monitoring Agency: Planning Dept., Engineering
Compliance Verification (Initials & Date):

Mitigation Measure IV.3: Impacts to waters of the U.S. and/or State will be reduced to a less than significant level through various means, including avoidance, minimization of impacts, and mitigation compensation. The project has been and shall be designed to avoid direct and indirect impacts to wetlands to the maximum extent feasible, including providing adequate buffering of the wetlands areas, and berming, landscape screening, and fencing or walling of all areas where parcels abut wetlands.

Timing: *prior to site disturbance, site improvements, issuance of first building permit (also refer to Mitigation Measure IV.6)*

Implementation Party: *Applicant/Project Biologist*

Enforcement & Monitoring Agency: Planning Dept., Engineering
Compliance Verification (Initials & Date):

Mitigation Measure IV.4: Stormwater quality Best Management Practices (BMPs) shall be used wherever necessary to minimize impacts to and ensure high water quality. BMPs shall include both temporary measures used during construction or site disturbance as well as permanent measures to ensure high water quality after parcels are developed. BMPs shall include the installation of bio-filtration swales, sheet runoff across filtering grasslands, de- or retention ponds to drop out silt and heavier pollutants, and planter strips to capture and filter stormwater from parking lots and roofs.

Timing: *Prior to site disturbance, prior to approval of Design Review for each parcel, prior to building permit issuance*

Implementation Party: *Applicant/Project Biologist*

Enforcement & Monitoring Agency: Planning Dept., Engineering
Compliance Verification (Initials & Date):

Mitigation Measure IV.5: Mitigation for impacts to 0.49-acre of wetlands shall include the creation of 1.16-acre of created wetland habitat along the North Slough (a greater than 2:1 mitigation ratio). A mitigation plan shall be prepared, reviewed and approved by all relevant agencies (ACOE, RWQCB, CDFG) prior to impacts occurring to any wetlands onsite. Implementation of the plan shall occur as specified by the agencies. A copy of the plan shall be submitted to the City of American Canyon Planning Department.

Timing: *Prior to recordation of final map, site disturbance and grading*

Implementation Party: *Applicant/Project Biologist*

Enforcement & Monitoring Agency: Planning Dept., Engineering
Compliance Verification (Initials & Date):

Mitigation Measure IV.6: Mitigation wetland and preserve monitoring shall be conducted for a period of at least five years, or as required by the appropriate agencies (ACOE, RWQCB, and CDFG).

Monitoring shall ensure the success of the wetland mitigation, during which all failures or identified issues shall be corrected to the satisfaction of the agencies. Wetland monitoring reports shall be provided to the agencies according to their requirements, with copies sent to the City of American Canyon Planning Department.

Timing: *Reporting once a year for five years, or as required by agencies*

Implementation Party: Applicant/Project Biologist
Enforcement & Monitoring Agency: Planning Dept.
Compliance Verification (Initials & Date):

Mitigation Measure IV.7: The applicant shall restore and enhance the riparian habitat along the North Slough within the project area. A restoration and enhancement plan shall be prepared for the slough prior to enhancement implementation for review by all appropriate agencies, with a copy sent to the City of American Canyon Planning Department. Five years of monitoring shall be required during which all problems or issues shall be corrected to the satisfaction of the agencies overseeing the enhancement. Species to be planted along the North Slough include Fremont's cottonwood, valley oak, willows, coffeeberry, California rose, snowberry and California blackberry.

Timing: Confirmation from agencies prior to site disturbance; Restoration prior to occupancy of the first building or as specified by agencies; Compliance after occupancy.

Implementation Party: Applicant/Project Biologist
Enforcement & Monitoring Agency: Planning Dept., Engineering
Compliance Verification (Initials & Date):

Mitigation Measure IV.8: The entire 7.59-acre mitigation area shall be protected by a deed restriction recorded on the title of the property. This deed restriction shall protect the resource value of wetlands, plants, and wildlife in the preserve, and shall run in perpetuity with the title of the land. The wetland preserve shall be recorded on the final map with notations stating that no development of any sort shall be permitted or allowed within the mitigation and wetlands area, with the exception of a pedestrian trail located in the buffer area with the approval of the appropriate agencies.

Timing: Prior to approval of final map
Implementation Party: Applicant/Project Biologist
Enforcement & Monitoring Agency: Planning Dept., Engineering
Compliance Verification (Initials & Date):

V. Cultural Resources

Mitigation Measure V.1: Cultural resources may consist of, but are not limited to: dark friable soils, chert or obsidian flakes, heat-affected rock, projectile points, mortars, pestles, shell fragments, deposits of bone, glass, metal, ceramics or wood, stone or adobe foundations or walls, structures or remains with square nails, or human burials. Should any Native American or historic-period cultural resources be discovered, work within 100 feet of the find shall be halted until the findings can be fully investigated, and a professional archaeologist qualified to evaluate both prehistoric and historic archaeological remains shall be retained. The contractor on site shall be responsible for notifying the City Planning Department immediately upon finding any potential resource. The find(s) shall be recorded on a Department of Parks & Recreation 523 (A-J) historic recordation form (available from the State Office of Historic Preservation), and proper protection measures, as recommended by the expert shall be fully implemented to the satisfaction of the City prior to continuation of work.

Timing: During Construction
Implementation Party: Applicant(s)
Enforcement & Monitoring Agency: Planning Dept.
Compliance Verification (Initials & Date):

Mitigation Measure V.2: Should paleontological materials be discovered, construction shall cease in the immediate vicinity of the find (within 50 feet of the find) and the contractor or applicant shall notify the Planning Department immediately. A qualified paleontologist shall be consulted to determine the significance of the find, and recommend appropriate measures to protect the resource. Further disturbance of the resource shall not be allowed until recommendations deemed appropriate by the City have been implemented.

Timing: Construction

Implementation Party: Applicant

Enforcement & Monitoring Agency: Planning Dept.

Compliance Verification (Initials & Date):

Mitigation Measure V.3: Should human remains be discovered at the project site during project site preparation, grading, construction, or ground breaking, all operations within 25 feet of the remains shall be suspended and the City of American Canyon Planning Department and the Napa County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

Timing: Construction

Implementation Party: Applicant

Enforcement & Monitoring Agency: Planning Dept.

Compliance Verification (Initials & Date):

Mitigation Measure V.4: Should project-related ground disturbing activities take place as part of this project within the state right-of-way and there is an inadvertent archaeological or burial discovery, in compliance with CEQA, PRC 502405, and Caltrans Standard Environmental Reference (SER) Volume 2 (<http://www.dot.ca.gov/ser>), all construction within 50 feet of the find shall cease. The Department's District 4 Cultural Resource Study Office shall be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact. Archaeological resources may consist of, but are not limited to, dark, friable soils, charcoal, obsidian or chert flakes, grinding bowls, shell fragments, or deposits of bone, glass, metal, ceramics, or wood.

Timing: During Construction

Implementation Party: Applicant

Enforcement & Monitoring Agency: Caltrans/Planning Dept.

Compliance Verification (Initials & Date):

VI. Geology and Soils

Mitigation VI.1: All development on the site shall comply with all recommendations in Neil Anderson & Associates Geotechnical Report for the site (March 23, 2007), including liquefaction and lateral spreading, drainage, slope stability measures, and erosion control measures. The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the project construction and grading plans (i.e., site preparation, and grading, site drainage improvements, and design parameters for foundations, retaining walls, street pavement, and driveways) to ensure that their recommendations have been properly incorporated. The results of the plan reviews shall be summarized by the Applicant's geotechnical engineer in letters submitted to the City Engineer for review and approval prior to issuance of all grading, encroachment and building permits.

Timing: Prior to issuance of grading permits; prior to building permit issuance

Implementation Party: Applicant's geotechnical engineer

Enforcement & Monitoring Agency: City Engineering Div.

Compliance Verification (Initials & Date):

Mitigation VI.2 Grading and Erosion Control:

- a. All necessary state and federal permits shall be obtained and approved prior to site disturbance, including Army Corps of Engineers 404, and Regional Water Quality Control Board 401 and Storm Water Pollution Prevention Program (SWPPP).
- b. Best Management Practices shall be incorporated into the project to reduce wind and water erosion and to prevent all construction pollutants from contacting stormwater, with the intent of keeping all products of erosion from moving into receiving waters per RWQCB requirements. Best Management Practices shall include measures outlined under the Hydrology section.
- c. All construction practices shall be in accordance with the State of California UBC Title 24, 2001, Chapter 33 on Site Work, Demolition and Construction, and Appendix Chapter 33 on Excavation and Grading and measures to control soil erosion found in the general construction activities non-point source storm-water permit.

Timing: Prior to issuance of grading permits and site disturbance; prior to issuance of building permits and during construction

Implementation Party: Applicant's geotechnical engineer

Enforcement & Monitoring Agency: City Engineering Div.

Compliance Verification (Initials & Date):

VII. Hazards and Hazardous Materials

Mitigation Measure VII.1: The amounts of hazardous materials stored on any site or within any building shall be restricted to container sizes commonly found in building supply and hardware stores to minimize risk from accidental spills. An accident procedure manual shall be developed in conjunction with the Fire District's requirement to submit Material Safety Data Sheets (MSDS) for all hazardous materials used and stored on the site (indoors and outdoors).

Timing: Prior to issuance of certificate(s) of occupancy

Implementation Party: Applicant/future building owners & tenants

Enforcement & Monitoring Agency: Fire Marshal

Compliance Verification (Initials & Date):

Mitigation Measure VII.2: An application shall be submitted to the County Airport Land Use Commission (ALUC) for a "consistency determination" with the Napa County Airport Land Use Compatibility Plan (ALUCP) for the project, and an avigation easement shall be recorded over the property prior to building permit issuance. All other ALUC requirements or conditions shall be complied with.

Timing: Prior to Final Map, prior to first building permit

Implementation Party: Applicant(s)

Enforcement & Monitoring Agency: Planning Dept.

Compliance Verification (Initials & Date):

VIII. Hydrology and Water Quality

Mitigation VIII.1: Prior to the start of any excavation or grading, the Applicant shall obtain all required permits from the Regional Water Quality Control Board, including permits for the Storm Water Pollution Prevention Program (SWPPP). The applicant's representative shall provide the City of American Canyon Public Works Director or City Engineer with copies of the Notice of Preparation and the approved SWPPP prior to site disturbance.

Timing: *Prior to issuance of site disturbance, grading and/or encroachment permits*

Implementation Party: *Applicant's geotechnical engineer*

Enforcement & Monitoring Agency: *City Engineering Div.*

Compliance Verification (Initials & Date):

Mitigation VIII.2: All drainage on or through the site and drainage facilities onsite shall comply with the National Pollution Discharge & Elimination System (NPDES) requirements for stormwater discharges, including basins and devices to prevent pollutants from entering stream courses (i.e. North Slough and the Napa River). A comprehensive Stormwater Management Plan (SWMP) shall be prepared for the project and submitted to the Regional Water Quality Control Board (RWQCB), and the City Engineer for review and approval. Current NPDES requirements include treatment of at least 85% of the runoff from impervious surfaces; however the City of American Canyon may require stricter standards than the RWQCB. The SWMP and all drainage plans shall incorporate measures to reduce water quality impacts, including siltation and toxic pollutants to the satisfaction of the Public Works Director or City Engineer.

Timing: *Prior to issuance of grading permit; prior to approval of improvement plans, prior to building permit issuance*

Implementation Party: *Applicant's engineer*

Enforcement & Monitoring Agency: *City Engineering Div.*

Compliance Verification (Initials & Date):

Mitigation VIII.3: The Storm Water Management Plan shall include a water quality/erosion/sediment control component that shall be approved by the City prior to the start of grading on the site. All onsite drainage shall the flow into a water quality treatment system to capture runoff from roads, parking areas, and rooftops prior to any stormwater flowing into the North Slough and wetlands areas. All stormwater drainage plans prepared for individual parcels within the project shall be consistent with this measure, and such a system shall incorporate bio-filtration swales, landscaped planters, and other natural water quality components.

Timing: *Prior to issuance of grading permit, prior to each building permit for each lot*

Implementation Party: *Applicant's engineers and landscape architect*

Enforcement & Monitoring Agency: *City Engineering Div.*

Compliance Verification (Initials & Date):

Mitigation VIII.4: Prior to site disturbance and grading onsite, the City Engineer shall ensure that the hydrological calculations for impervious surfaces correctly match the capacity of the North Slough drainage and wetlands area to handle all incoming flows during the storm event specified by the City of American Canyon. The applicant or his/her representative shall be responsible for verifying all figures and providing all required improvements.

Timing: *Prior to site disturbance, grading, and approval of improvement plans*

Implementation Party: *Applicant's engineer*

Enforcement & Monitoring Agency: *City Engineering Div.*

Compliance Verification (Initials & Date):

XI. Noise

Mitigation XI.1: All construction equipment operated at the project site shall be equipped with manufacturer's standard noise control devices (i.e., improved mufflers, intake silencers, and/or engine enclosures) to minimize the generation of potentially adverse and/or excessive noise impacts on adjacent land uses and biological resources. Newer equipment shall be used wherever possible.

Timing: *Prior to grading and during Construction*

Implementation Party: *Applicant, contractor*

Enforcement & Monitoring Agency: *Police, Code Compliance Officer*

Compliance Verification (Initials & Date):

Mitigation XI.2: Equipment used for project construction shall use hydraulically or electrically powered impact tools, such as jackhammers, pavement breakers and rock drills, wherever possible, to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.

Timing: *During construction*

Implementation Party: *Applicant, contractor*

Enforcement & Monitoring Agency: *City Engineering Div.*

Compliance Verification (Initials & Date):

Mitigation XI.3: Construction activities that could affect adjacent noise sensitive uses shall be limited to daylight hours between 7:00 am to 7:00 pm, consistent with American Canyon General Plan Noise Element Policy 11.7.1.

Timing: *During construction*

Implementation Party: *Applicant, contractor*

Enforcement & Monitoring Agency: *City Engineering Div.; Police, Code Compliance Officer*

Compliance Verification (Initials & Date):

XV. Transportation/Traffic

Mitigation Measure XV. 1: The project shall contribute appropriate traffic impact fees to mitigate off-site traffic impacts, including paying all appropriate impact and other fees according to calculations of the City Engineer. This shall include SR 29 corridor impact fees as well as general traffic impact fees. If building permits are issued on lots within the project prior to the implementation of the new traffic impact fee program, the applicant shall pay the proportional share of the SR 29 Corridor Mitigation Fee as identified in Tables 6 and 7 of the appendices, or as modified by the City Engineer.

Timing: *Prior to approval of improvement plans, at building permit issuance*

Implementation Party: *Applicant*

Enforcement & Monitoring Agency: *City Engineering Div., Building, Planning*

Compliance Verification (Initials & Date):

Mitigation Measure XV.2: Signalization of the intersection of SR 29 and Napa Junction Road is not included in the traffic impact fee program, but this mitigation was completed by another

developer under a reimbursement agreement. Building on individual lots in the subdivision shall reimburse the appropriate developer as specified by the City Engineer according to the percentages identified in Appendix B of the Technical Appendices, or as specified by the City Engineer.

Timing: Prior to building permit issuance

Implementation Party: Applicants

Enforcement & Monitoring Agency: City Engineering Div.

Compliance Verification (Initials & Date):

Mitigation Measure XV.3: The project applicant shall be required to optimize signal timing at the SR29/Napa Junction Road signal prior to issuance of the first building permit on the project site.

Timing: Prior to issuance of first building permit

Implementation Party: Applicant(s)

Enforcement & Monitoring Agency: City Engineering Div.

Compliance Verification (Initials & Date):

Mitigation Measure XV.4: The traffic study for the Lombard Crossing subdivision did not assume any business or professional office uses (December 2007 traffic study prepared by W-Trans). In the event the subdivision exceeds 20,000 square feet of business or professional offices (excluding offices of less than 1,500 square feet or that are secondary to the main use), the applicant shall submit a revised traffic impact analysis prior to issuance of a grading permit to the satisfaction of the Directors of Public Works and Planning. The traffic impact analysis shall comply with the City's traffic study guidelines, and include necessary measures to mitigate additional traffic impacts generated by the project.

Timing: Prior to approval(s) of Design Review permits for applicable projects

Implementation Party: Applicant(s)

Enforcement & Monitoring Agency: City Engineering Div., Planning

Compliance Verification (Initials & Date):

Mitigation Measure XV.5: The project shall provide adequate sidewalks on at least one side of each street within the subdivision.

Timing: Prior to approval of improvement plans submitted with final map

Implementation Party: Applicant

Enforcement & Monitoring Agency: City Engineering Div.

Compliance Verification (Initials & Date):

XVI. Utilities and Service Systems

Mitigation Measure XVI.1: The project shall be designed and constructed with purple irrigation pipe so that recycled water may be used for landscape irrigation purposes. The project shall use recycled water for irrigation as soon as recycled water becomes available at the site.

Timing: Prior to improvement plans approval

Implementation Party: Applicant

Enforcement & Monitoring Agency: City Engineering Div., Public Works Dept.

Compliance Verification (Initials & Date):

Mitigation Measure XVI.2: The applicant shall pay all updated water capacity and impact fees to provide funding for the City to acquire additional long-term water resources and improve and develop its treatment and distribution system. The fees will allow 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 less than significant.

Timing: *Prior to building permit issuance*

Implementation Party: *Applicant*

Enforcement & Monitoring Agency: *City Engineering Div., Public Works Dept., Building Div.*

Compliance Verification (Initials & Date):

Mitigation Measure XVI.3: The project shall contribute the amounts in Table XVI-1, Short-term Water Supply Mitigation, under section XVI. d of the Initial Study/Mitigated Negative Declaration, or as calculated by the City Engineer, 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 2011-12 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.

Timing: *Prior to building permit issuance*

Implementation Party: *Applicant*

Enforcement & Monitoring Agency: *City Engineering Div., Public Works Dept., Building Div.*

Compliance Verification (Initials & Date):

Mitigation Measure XVI.4: The Applicant and all future developers of sites within the subdivision shall pay a per-unit fee to the Water Conservation Program that is current at the time building permits are issued for the project, permitting the City to develop and implement the Program. The project can further reduce its water footprint by including one or more of the following off-site water conservation opportunities available through the Water Conservation Program:

- a. Conversion of existing toilets to high-efficiency toilets.
- b. Conversion of existing washing machines to high-efficiency, front-loading washing machines.
- c. Conversion of existing urinals to waterless urinals.
- d. Conversion of existing irrigation demands from potable water to recycled water.
- e. Conversion of existing industrial demands from potable water to recycled water.

Timing: *Prior to building permit issuance*

Implementation Party: *Applicant*

Enforcement & Monitoring Agency: *City Engineering Div., Public Works Dept.; Building Div..*

Compliance Verification (Initials & Date):

Mitigation Measure XVI.5: The applicant and all future developers of sites within the subdivision shall incorporate water conservation Best Management Practices into the project as a whole and individual projects onsite. The project will be reviewed by City Engineering for additional onsite conservation opportunities during the building permit plan review process.

Timing: *Prior to building permit issuance*

Implementation Party: *Applicant and future developers*

Enforcement & Monitoring Agency: *City Engineering Div., Public Works Dept.; Planning Dept.*

Compliance Verification (Initials & Date):

Mitigation Measure XVI.6: Should additional project water use be required beyond that projected in this environmental document, the project shall comply with the City's Ordinances and regulations in effect at the time of authorization for additional water use. Such changes in project use shall be subject to a new Design Review process, which, in turn, shall trigger re-evaluation of the project's water supply impacts.

Timing: *Prior to approval of additional water demand or usage beyond initial projections; at time of request for changes in project use*

Implementation Party: *Applicant*

Enforcement & Monitoring Agency: *Public Works Dept., Engineering, Planning Department*

Compliance Verification (Initials & Date):

Mitigation Measure XVI.7: Should additional project sewer flow or wastewater impacts be required or produced beyond that projected for this property, the project shall comply with the City's Ordinances and regulations in effect at the time of authorization for additional wastewater capacity. Such changes shall trigger a new Design Review process, which in turn shall trigger a re-evaluation of the project's wastewater supply impacts.

Timing: *Prior to approval of additional sewer demand or wastewater plant use beyond initial projections; at time of request for changes in project use*

Implementation Party: *Applicant*

Enforcement & Monitoring Agency: *Public Works Dept., Engineering, Planning Department*

Compliance Verification (Initials & Date):

Mitigation Measure XVI.8: Cardboard waste and mixed recyclables such as paper, metals, cans, and glass, shall be separated from other solid wastes on the project site. All owners and subsequent owners of parcels shall provide secure bin(s) adequately sized to contain all of the cardboard, recyclables, waste, and green waste produced on the proposed project site, and shall continue to meet all updated state and/or locally-mandated requirements related to solid waste.

Timing: *Prior to issuance of certificates of occupancy; at changes of use, and ongoing*

Implementation Party: *Applicant*

Enforcement & Monitoring Agency: *Environmental Specialist/Public Works Dept., Planning*

Compliance Verification (Initials & Date):

Timing: Prior to issuance of grading permits; prior to building permit issuance
Implementation Party: Applicant's geotechnical engineer
Enforcement & Monitoring Agency: City Engineering Div.
Compliance Verification (Initials & Date):

Mitigation VI.2 Grading and Erosion Control:

- a. All necessary state and federal permits shall be obtained and approved prior to site disturbance, including Army Corps of Engineers 404, and Regional Water Quality Control Board 401 and Storm Water Pollution Prevention Program (SWPPP).
- b. Best Management Practices shall be incorporated into the project to reduce wind and water erosion and to prevent all construction pollutants from contacting stormwater, with the intent of keeping all products of erosion from moving into receiving waters per RWQCB requirements. Best Management Practices shall include measures outlined under the Hydrology section.
- c. All construction practices shall be in accordance with the State of California UBC Title 24, 2001, Chapter 33 on Site Work, Demolition and Construction, and Appendix Chapter 33 on Excavation and Grading and measures to control soil erosion found in the general construction activities non-point source storm-water permit.

Timing: Prior to issuance of grading permits and site disturbance; prior to issuance of building permits and during construction
Implementation Party: Applicant's geotechnical engineer
Enforcement & Monitoring Agency: City Engineering Div.
Compliance Verification (Initials & Date):

VII. Hazards and Hazardous Materials

Mitigation Measure VII.1: The amounts of hazardous materials stored on any site or within any building shall be restricted to container sizes commonly found in building supply and hardware stores to minimize risk from accidental spills. An accident procedure manual shall be developed in conjunction with the Fire District's requirement to submit Material Safety Data Sheets (MSDS) for all hazardous materials used and stored on the site (indoors and outdoors).

Timing: Prior to issuance of certificate(s) of occupancy
Implementation Party: Applicant/future building owners & tenants
Enforcement & Monitoring Agency: Fire Marshal
Compliance Verification (Initials & Date):

Mitigation Measure VII.2: An application shall be submitted to the County Airport Land Use Commission (ALUC) for a "consistency determination" with the Napa County Airport Land Use Compatibility Plan (ALUCP) for the project, and an avigation easement shall be recorded over the property prior to building permit issuance. All other ALUC requirements or conditions shall be complied with.

Timing: Prior to Final Map, prior to first building permit
Implementation Party: Applicant(s)
Enforcement & Monitoring Agency: Planning Dept.
Compliance Verification (Initials & Date):

feet of landscape would not provide sufficient depth to screen light industrial uses, especially given the high visibility of the subdivision to drivers on southbound SR 29.

4. Tentative Map Condition 54 – Recycled Water Delete the requirement to install 4 and 6-inch recycled water mains to supply individual buildings within the subdivision. The applicant agreed to provide recycled water lines to irrigate landscaping throughout the site when recycled water becomes available. However, the applicant argued that the comparatively small buildings within the subdivision would not likely need enough reclaimed water to warrant the cost to install 4 and 6-inch recycled water mains.

The Planning Commission did not concur with deleting this condition because providing infrastructure to distribute recycled water would be more efficient to install at the time the subdivision is developed, and would lead to a greater assurance that recycled water will be used within the buildings when recycled water service is extended to the subdivision.

Findings:

The required findings are in the attached resolutions.

ENVIRONMENTAL DETERMINATION

The Lombard Crossing Industrial Park Tentative Subdivision Map project (TM 07-05) is subject to the California Environmental Quality Act (CEQA), and an Initial Study/Mitigated Negative Declaration (MND) was prepared. The environmental document is Attachment 4. The MND was circulated for public review prior to the Planning Commission and City Council hearings for this project. The Mitigated Negative Declaration was distributed to interested parties, including several public agencies, for a 30-day review period that concluded on March 1, 2008. One letter was received from Caltrans requesting 1) analysis of northbound left turn lane storage and southbound right-turn storage on State Route 29 and 2) an archaeological resources mitigation for any cultural resources found within adjacent State right-of-way. See Attachment 5 for the Caltrans letter and a response.

Environmental impacts that require mitigation include: aesthetics, air quality, biological resources, geology and soils, hydrology/drainage, noise, transportation/traffic and utilities and service systems. The Mitigated Negative Declaration contains a detailed discussion of all identified impacts and the proposed mitigation measures.

Aesthetics – The design guidelines will address the building materials, landscape screening and outdoor lighting to improve the appearance of the project, especially as viewed from Highway 29/Broadway.

Biological Resources – The wetlands on the property will be preserved as an open space lot of 8.3 acres. Extensive mitigation measures are recommended by the biologist and are incorporated into the City Council Resolution.

Noise – Future uses that would generate high noise levels during construction activities are addressed in the mitigation measures. Recording an aviation easement will be required by the Airport Land Use Commission due to the proximity of the Napa Airport.