

RESOLUTION R2011 26

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR NAPA CREEK CONDOMINIUMS (#10-0004)

WHEREAS, Keith Bloom submitted an application for three Use Permits, two Variances, a Design Review Permit and a Tentative Subdivision Map to subdivide the 3.8-acre property at 1701 D Street Alley into 48 residential condominium lots and one common area lot (APN: 002-071-010 and 011); and

WHEREAS, 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 Napa Creek Condominiums #10-0004 and dated September 9, 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 "Project", as analyzed in the Initial Study prepared for the Napa Creek Condominiums #10-0004 and dated September 9, 2010, will have a significant effect on the environment; 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. A new tree report shall be submitted with the improvement plans that identifies all trees to be removed or retained. The report shall specify construction and long-term preservation methods for all trees which are to be retained. The improvement plans shall also identify all existing trees to be removed and retained and shall reference the tree protection measures set forth in the new tree report.

2. To the greatest extent feasible, existing trees meeting the Municipal Code definition of "protected native tree" shall be retained. The removal of any protected native tree which is not identified on the tentative map for removal shall be subject to the review and approval of the Planning Division.

3. Removal of any protected native tree shall be subject to the mitigation requirements set forth in Section 12.45.100 of the Napa Municipal Code which requires that for each six inches or fraction thereof of the protected native tree, two trees of the same species as the protected native tree (or any other species with approval) and a minimum fifteen gallon container shall be planted on the project site. If the project site is inadequate to accommodate the replacement trees as determined by Community Development Director and the Community Resources Director, the trees shall be planted on public property. Priority shall be given to the planting of trees on public property. However, if an adequate public property for the tree planting does not exist, the Community Development Director may accept an in-lieu fee as set forth by the City Council to be used for tree-related educational projects and/ or planting programs.

4. All new lighting on private property shall be designed to eliminate direct light spilling onto adjacent residential properties.

5. Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.

6. All new utilities shall be placed underground.

7. 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.

Agricultural Resources

None.

Air Quality

1. Grading and construction equipment shall be shut down when not in use.
2. Construction activities shall not occur during windy periods.
3. Exposed soil surfaces shall be periodically sprinkled to retard dust.

Biological Resources

1. The applicant shall submit a Riparian Restoration and Enhancement Plan to the Planning Division prior to the approval of improvement plans. The Plan shall be prepared by a qualified biologist and shall include provisions for removal of non-native vegetation in the riparian area, installation of additional native plantings in the existing riparian area, and expansion of the riparian corridor with new native plantings. The plan shall include provisions for long-term monitoring and maintenance. Said plan shall be subject to the approval of the Planning Division and the State Department of Fish and Game. The Department of Fish and Game shall be afforded a 45-day review period of the plan. If no comments are received from the Department of Fish and Game within 45 days, it shall be assumed by the Planning Division that said plan is acceptable to that agency.

2. The existing riparian plant community planned to remain shall be protected during construction activities within appropriate construction fencing.

3. Initial ground disturbance and tree removal should occur outside of the breeding season for migratory birds (February 1 through August 1). If it is not possible to schedule the project outside of the breeding season, a wildlife biologist should conduct a breeding survey at the study area and surrounding areas 30 days of the onset of construction to verify that breeding birds will not be impacted by project activities. If active nests are found, a suitable buffer shall be established around such nests until the young have fledged. If it is not possible to schedule these activities outside of the breeding season, a wildlife biologist should conduct a breeding survey at the study area and surrounding areas 30 days of the onset of construction to verify that breeding birds will not be impacted by project activities. If active nests are found, a suitable buffer shall be established around such nests until the young have fledged.

4. Removal of trees and shrubs should occur outside of the breeding season for bats (April 1 through August 31). If this is not feasible, preconstruction surveys should be conducted by a biologist at least 14 days prior to removal of trees or snags within the project area. Ultrasonic acoustic surveys and/or other site appropriate survey methods should be performed to determine the presence or absence of bats utilizing the project site as roosting or foraging habitat. If special status bats are detected during surveys, appropriate species and roost specific mitigation measures will be developed. Such measures may include postponing removal of trees or snags until the end of the maternity roosting season or construction of species appropriate roosting habitat within or adjacent to the project site.

Cultural Resources

1. 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.

Geology and Soils

1. 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).

2. 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.).

3. Developer shall provide erosion and sediment control plans 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.

4. 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.

Greenhouse Gas Emissions

None

Hazards and Hazardous Materials

None

Hydrology And Water Quality

1. 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.

2. If the project is in the Flood Hazard or Floodway Areas of the Napa River or its tributaries, Developer shall submit Certifications of Compliance by a registered architect or civil engineer required by NMC Chapter 17.62 to the Public Works Department at the times set forth in Chapter 17.62.

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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

Land Use And Planning

None

Mineral Resources

None

Noise

1. 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.

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

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

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

Population And Housing

None

Public Services

1. 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.

2. 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.

3. 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

1. 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

1. All required public frontage and street improvements shall be designed and built in accordance with applicable Caltrans standards, City of Napa ordinances and the Public Works Department 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.

2. 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.

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

4. 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.

5. 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

1. 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.

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

3. 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.

4. 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.

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

6. 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.

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

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

9. 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.

10. 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.

11. The Developer of a commercial, industrial or multi-family project with common waste disposal facilities shall submit to and receive approval from the Public Works Director of a source reduction plan which meets the City's Source Reduction and Recycling Element and implementing guidelines.

12. A recycling/solid waste enclosure shall be provided in accordance with Chapter 17.102, et seq. of the NMC for all commercial, industrial and multi-family projects with common solid waste facilities.

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 1st day of February, 2011, by the following roll call vote:

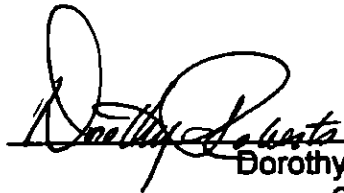
AYES: Krider, Mott, Inman, van Gorder, Techel

NOES: None.

ABSENT: None.

ABSTAIN: None.

ATTEST:



Dorothy Roberts
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney