

RESOLUTION R2016-136

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NAPA, STATE OF CALIFORNIA, ADOPTING A MITIGATED
NEGATIVE DECLARATION FOR ANDERSEN RANCH
SUBDIVISION AT 1060 & 1066 WYATT AVENUE

WHEREAS, an application for a Use Permit to authorize an increased density on the :HS portion of the property; a Design Review Permit for the proposed Tentative Map and single family residences; a Tentative Subdivision Map to divide the property into 36 single family residential lots and two common area lots was submitted on September 1, 2015 for the property at 1060 and 1066 Wyatt Avenue (APNS 046-083-028 & 046-122-024)(“the Project”);

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

WHEREAS, in accordance with the CEQA, the City of Napa Community Development Department prepared an Initial Study for the Andersen Ranch Subdivision which concludes that the Project, with incorporation of certain mitigation measures, will not have a significant effect on the environment, therefore a Mitigated Negative Declaration has been prepared for adoption;

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

WHEREAS, on August 12, 2016 the City of Napa posted a Notice of Completion of the Mitigated Negative Declaration, which identified the review period from August 12, 2016 to September 1, 2016, for review and comment by the public and public agencies having jurisdiction by law with respect to the Project;

WHEREAS, on September 1, 2016 the Planning Commission considered the Mitigated Negative Declaration, and all written and oral testimony submitted to them at a noticed public hearing on the Use Permit, Design Review Permit and Tentative Subdivision Map, at which the Planning Commission heard a presentation by Staff and took public testimony, and thereafter closed the public hearing and subsequently recommended that the City Council adopt a Negative Declaration and approve a Use Permit, Design Review Permit, Tentative Map and Sign Permit and

WHEREAS, on October 18, 2016 the City Council considered the Mitigated Negative Declaration and all written and oral testimony submitted to them at a noticed public hearing on a Design Review permit, and received the recommendation of the Planning Commission, received a presentation by Staff, and took public testimony, and

thereafter closed the public hearing and considered the adequacy of the Mitigated Negative Declaration.

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

Section 1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution. The record of the proposed Project's environmental review shall be kept at the Napa City Community Development Department, 1600 First Street, Napa, CA 94559.

Section 2. The City Council hereby finds that there is no substantial evidence, in light of the whole record before the City Council, that the Project, as analyzed in the Initial Study prepared for the Andersen Ranch Subdivision, PL15-0162, dated August 12, 2016, as mitigated, will have a significant effect on the environment; and that this determination reflects the City Council's independent judgment; and the City Council adopts a Mitigated Negative Declaration for the Project with the following mitigation measures:

Aesthetics

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

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

7. All windows and glass proposed for the exterior of the building shall be non-reflective glass.

8. All installed lighting shall not blink, flash, or be of an unusually high intensity or brightness. Lighting fixtures shall be appropriate in height, intensity and scale to the use they are serving.

Air Quality

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

10. Construction activities shall not occur during windy periods.

11. Exposed soil surfaces shall be periodically sprinkled to retard dust.

12. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

13. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

14. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

15. The developer / contractor shall post several publicly visible signs at either end of the property with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 24 hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.

16. All vehicle speeds on unpaved roads shall be limited to 15 mph.

17. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

18. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

19. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

20. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

21. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

22. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

23. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

24. Any proposed fireplaces within the development shall include a gas insert and all stoves shall be required to meet EPA certification.

Biological Resources

25. The plans submitted for improvement plan review shall identify the 2.4 acres of Coast Live Oak woodland that will remain undisturbed and shall be preserved within an open space preserve subject to a conservation easement, deed restriction or other protective measure, subject to review by the Community Development Director and approval as to form by the City Attorney, that will authorize enforcement and management for open space and habitat purposes by the Homeowner's Association.

26. Construction activity within the vicinity of the Coast Line Oak woodland will require preparation of a tree protection plan. The plans submitted for improvement plan review shall include a tree protection plan containing tree replacement and protection activities as follows:

- The applicant shall follow the Tree Preservation Guidelines that include construction guidelines and measures to maintain long-term tree health (Tree Preservation Guidelines are detailed in the Tree Survey Report prepared by HortScience dated August 2015). Tree Protection Zones will be marked with fencing and within these zones no grading, excavation (including for underground services such as utilities or sub-drains), or storage of materials or dumping of materials can occur without consultation with the project arborist.
- The project engineer shall review final project grading and construction plans to minimize encroachment within the drip line of any trees not removed as part of

site grading. This review shall include assurances that the design of roads, utilities, slope stabilization work, subdrains, and other types of infrastructure avoid the area within the drip line of native trees where possible; and that all grading is designed to drain water away from the base of trees so as not to create areas of ponding within the dripline. A signed letter of mitigation compliance shall be submitted by the project engineer to the Building Department before issuance of a Certificate of Occupancy.

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

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

29. Vegetation removal activities shall be conducted during the non-breeding season (i.e., September through January) to avoid direct impacts to nesting birds. If such work is required to be scheduled during the breeding season (February through August), a qualified ornithologist shall conduct a preconstruction survey of the work area to determine if any birds are nesting in or in the vicinity of vegetation to be removed. The preconstruction survey will be conducted within 30 days prior to the start of work from February through May (since there is higher potential for birds to initiate nesting during this period), and within 30 days prior to the start of work from June through August. If active nests are found in the work area, the biologist will determine an appropriately-sized buffer around the nest in which no work shall be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the biologist in consultation with the California Department of Fish and Game. Buffer widths depend on the nesting species and its sensitivity to disturbance. In general buffer widths of 50-feet are adequate for nesting songbirds in urban settings. This restriction does not apply to house sparrow (*Passer domesticus*) or starling (*Sturnus vulgaris*) which are exempted from protection.

30. A preconstruction survey for Loggerhead Strike shall be conducted prior to the commencement of construction activity if construction occurs during the February 1 to August 1 nesting season. If any active nest for Loggerhead Shrike is identified, mitigation includes avoidance by delaying construction activity until young have fledged or establishment of buffer zones around active nests during the construction activity until the young have fledged.

31. Prior to the issuance of a demolition permit the applicant shall conduct a Bat Habitat Assessment of all structures scheduled for demolition and all trees to be removed or trimmed. If no bat habitat is found, the structure can be demolished or the tree can be removed or trimmed. If trees or structures contain suitable potential bat

habitat, presence of roosting bats is presumed, and the following mitigation is necessary:

Trees: Schedule removal of trees with suitable bat habitat with a biological monitor (bat biologist) present during seasonal periods of bat activity (March 1 to April 15 or September 1 to October 15). If trees containing suitable potential bat habitat are scheduled for removal outside of these seasonal period of bat activity, conduct a visual survey of all suitable roost features to determine if bats are present, if possible. If roost features cannot be completely surveyed due to access, cavity depth etc., tree removal must be delayed until the appropriate seasonal period of bat activity.

Structures: If all potential roost areas within a building cannot be completely surveyed, or if bats are present during the period of winter torpor or during the summer breeding season, delay building demolition until either March 1 to April 15 or September 1 to October 15 to perform humane eviction or partial dismantling prior to demolition.

32. The conceptual landscape plan shows the planting of several native trees on site. Per City requirements, the applicant is responsible for planting an additional 1,250 replacement trees on the site or providing the trees in the form of an in-lieu fee of \$406,250. Additionally, the Applicant may use a combination of onsite planting, payment of in-lieu fees or providing offsite mitigation to satisfy this requirement or any combination of mitigation provide by NMC Section 12.45.

33. All front yard landscaping for each residential building shall be installed prior to issuance of a Certificate of Occupancy for that individual building.

Cultural Resources

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

35. If subsurface prehistoric or historic-period archaeological deposits are identified on the project site during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist shall be contacted to determine whether such deposits are historical resources, as required by CEQA Guidelines, Section 15064.5 (c)(1). If these deposits do not qualify as archaeological resources, a determination shall be made if they qualify as unique archaeological resources, pursuant to CEQA Guidelines, Section 15064.5(c)(3). If the deposit is neither a historical nor unique archaeological resource, avoidance is not necessary. Upon completion of the significance assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological materials discovered. The report/recommendations shall be

submitted to the City of Napa Community Development Department and the Northwest Information Center.

If the deposits qualify as a historical resource based on a review by a qualified archaeologist, they shall be preserved in place as the preferred method of mitigation, pursuant to CEQA Guidelines, Section 15126.4(b)(3)(A). If preservation in place is not feasible, impacts to the deposit shall be mitigated by other means. Other means of mitigation may include, but are not necessarily limited to systematic recovery and analysis of archaeological deposits, recording the resource, preparing a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate. If the recovery and analysis of the deposit's scientific data is the only feasible option, such data recovery work shall be required, and shall be done by a qualified archaeologist in accordance with a data recovery plan in satisfaction of CEQA Guidelines, Section 15126.4(b)(3)(C). The report/recommendations shall be submitted to the City of Napa Community Development Department and the Northwest Information Center.

If the deposits meet the definition of a unique archaeological resource based on a review by a qualified archaeologist, they shall be preserved in place as the preferred method of mitigation, pursuant to CEQA Guidelines, Section 15126.4(b)(3)(A). If preservation in place is not feasible, impacts to the deposit shall be mitigated by other means. Other means of mitigation may include, but are not necessarily limited to systematic recovery and analysis of archaeological deposits, recording the resource, preparing a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate. If the recovery and analysis of the deposit's scientific data is the only feasible option, such data recovery work shall be required, and shall be done by a qualified archaeologist in accordance with a data recovery plan in satisfaction of CEQA Guidelines, Section 15126.4(b)(3)(C).

If the archaeological deposit in question is prehistoric in nature, the significance assessment and mitigation development described above shall be done in consultation with the descendant community representatives as identified by the Native American Heritage Commission, (NAHC).

36. If paleontological resources are encountered during ground-disturbing project activities, work shall be halted immediately at the location of the resources. The on-site construction foreman shall notify the City's Community Development Department to contact a qualified paleontologist to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Construction workers shall not collect or move any paleontological resources. If found to be significant, and project activities cannot avoid the paleontological resources, adverse effects to paleontological resources shall be mitigated. Mitigation may include on-site monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting

methods, findings, and recommendations shall be prepared and submitted to the City of Napa Community Development Department and, if paleontological materials are identified, a paleontological repository, such as the University of California Museum of Paleontology.

37. In the event that human remains are encountered, the on-site construction foreman shall stop all work within 25 feet of the discovery and shall immediately contact the City's Community Development Department and the County Coroner. At the same time, a qualified archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. On-site construction workers shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission shall identify a Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the Most Likely Descendant. The report shall be submitted to the City of Napa Community Development Department and the Northwest Information Center.

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

Geology and Soils

39. 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).

40. 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.).

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

42. 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.

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

44. All subsequent development plans and construction shall be in compliance with the recommendations set forth in the August 13, 2015 Geotechnical Investigation prepared by Berlogar Stevens & Associates.

Hazards or Hazardous Materials

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

46. Project construction plans shall include emergency procedures for responding to hazardous materials release for material that will be brought onto the site as part of construction activities. The emergency procedures for hazardous materials releases shall include the necessary personal protective equipment, spill containment procedures, and training of workers to respond to accidental spills/release. The Contractor shall be required to have on-hand at all times adequate absorbent materials and containment booms to handle a spill equivalent to the largest container of fuels or oils in their possession. All use, storage, transport, and disposal of hazardous materials (including any hazardous wastes) during construction activities shall be performed in accordance with existing local, state, and federal hazardous materials regulations.

Hydrology and Water Quality

47. 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.

48. 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.

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

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

51. The Developer shall ensure that no construction materials (e.g., cleaning fresh concrete from equipment) are conveyed into the storm drain system. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.

52. 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.

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

54. All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or ground water. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.

55. Unless otherwise provided, all measures included in project approval pursuant to NMC Chapter 17.60 (CR suffix and flood evacuation) shall be installed or carried out prior to final clearance of the building permit or concurrently with the installation of site improvements in the case of a subdivision map.

56. 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.

57. 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.

58. Developer shall record a plan for long-term private maintenance acceptable to the Director of Public Works and the City Attorney for any structural storm water pollution removal devices or treatment control BMP incorporated as part of the project. The plan shall comply with City and SWRCB requirements including, but not limited to, a detailed description of responsible parties, inspections, maintenance procedures for the detention system, including monitoring and documentation of annual report to the Public Works Department and procedures for enforcement. Appropriate easements or other arrangements satisfactory to the Public Works Director and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to approval of the final/parcel map or issuance of a building permit, whichever comes first.

59. All subsequent development plans and construction shall be in compliance with the recommendations set forth in the February 10, 2016 Stormwater Control Plan prepared by RSA+.

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

Land Use and Planning

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

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

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

Noise

64. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities from 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.

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

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

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

68. The project construction contractor shall comply with the following noise reduction measures:

General construction activities shall be allowed only on weekdays between the hours of 7:00 a.m. to 7:00 p.m.

Machines or equipment shall not start up prior to 8:00 a.m. Monday through Friday

Deliveries of materials shall not occur prior to 7:30 a.m. or past 5:00 p.m., Monday through Friday.

Cleaning of machines and equipment shall not occur past 6:00 p.m., Monday through Friday.

Servicing of equipment shall not occur past 6:45 p.m. Monday through Friday.

Construction on weekends or legal holidays shall be limited to the hours of 8:00 a.m. to 4:00 p.m., unless a permit is issued by the City manager or his/her designee, pursuant to section 8.08.050 of the City of Napa Municipal Code.

All muffler systems on construction equipment shall be properly maintained

All construction equipment shall not be placed adjacent to the neighboring residential property line unless said equipment is provided with acoustical shielding.

The construction contractor shall post signs prohibiting unnecessary idling of internal combustion engines.

Public Services

69. 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.

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

71. 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.

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

73. The Developer of any project which proposes commercial occupancies shall secure approval from Fire Prevention and Building Division prior to signing lease agreements and allowing occupancy of prospective occupants that pose possible fire and life safety hazards, or are classified by the Uniform Building Code as an H (hazardous) occupancy. Examples of these types of occupancies are: Storage of flammable, combustible, explosive, or toxic materials, manufacturing processes involving the above, woodworking shops, fire rebuilding or storage, automotive repair, auto body repair and/or

painting, factories where loose combustible fibers are present, semi-conductor fabrication facilities, bulk paint storage, etc.

74. 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 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

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

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

Transportation and Traffic

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

78. 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.

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

80. 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.

81. 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

82. 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.

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

84. 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.

85. 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.

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

87. 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.

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

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

90. 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.

91. 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 is located for the collection of such wood waste, unless the Developer transports such wood waste to a location where wood waste is recycled.

92. 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.

93. A recycling/solid waste enclosure shall be provided in accordance with Chapter 17.52.390, et seq. of the NMC for all commercial, industrial and multi-family projects with common solid waste facilities.

Section 3. This Resolution shall take effect immediately upon its adoption.

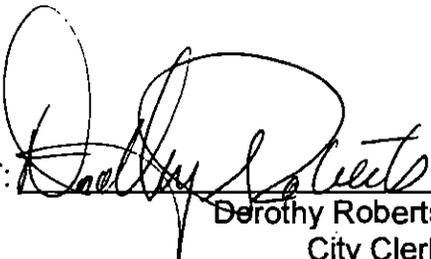
I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 18th day of October 2016, by the following vote:

AYES: Sedgley, Inman, Lueros, Mott, Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: 
Dorothy Roberts
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney