

RESOLUTION R2016-23

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR HARVEST VILLAGE AT 804 CAPITOLA DRIVE (APN 046-020-018)(PL15-0110)

WHEREAS, Harvest Village LLC submitted an application (PL15-0110) for a Zoning Amendment to establish a Planned Development Overlay District and to establish development standards within the Overlay District; a Design Review Permit for a subdivision map and house plans; an Administrative Permit to authorize accessory second units; and a Tentative Map to subdivide a 1.35 acre site into nine single-family lots (the "Project") at 804 Capitola Drive (APN 046-020-018) on June 9, 2015; and

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

WHEREAS, in accordance with the CEQA, the City of Napa Community Development Department prepared an Initial Study which concludes that the Project, as mitigated will not have a significant effect on the environment, therefore a Mitigated Negative Declaration has been prepared for adoption; and

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

WHEREAS, on December 18, 2015 the City of Napa posted a Notice of Completion of the Mitigated Negative Declaration, which identified the review period from December 18, 2015 to January 7, 2016, for review and comment by the public and public agencies having jurisdiction by law with respect to the Project; and

WHEREAS, on January 7, 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 Zoning Amendment, Design Review Permit, Administrative Permit, and Tentative 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 Zoning Amendment, Design Review Permit, and Tentative Map; and

WHEREAS, on March 1, 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 Zoning Amendment, Design Review Permit, Administrative Permit, and Tentative Map, 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 City of Napa Community Development Department, 1600 First Street, Napa, CA 94559.

**Section 2.** The Initial Study and Mitigated Negative Declaration prepared for Harvest Village is incorporated by reference into this resolution, and is available for review upon request at the City of Napa Community Development Department, 1600 First Street, Napa, CA 94559.

**Section 3.** 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 Harvest Village dated December 18, 2015, 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 this 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 Developer shall comply with the following:
  - a. 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.

- b. Prior to occupancy, Developer shall execute and record the City's Landscape Maintenance Agreement. (Forms are available from the Planning Division.)

5. All exterior lighting on the site shall be properly shielded and directed downward to preclude glare conditions that might impact adjacent properties or public streets.

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

#### Air Quality

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

8. Construction activities shall not occur during windy periods.

9. Exposed soil surfaces shall be periodically sprinkled to retard dust; no City water shall be used for this purpose.

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

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

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

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

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

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

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

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

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

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

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

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

22. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

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

#### Cultural Resources

24. 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.

25. 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

26. 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).

27. 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.).

28. 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.

### Hazards or Hazardous Materials

29. 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.

30. 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 works 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

31. 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.

32. 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.

33. 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.

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

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

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

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

#### Land Use and Planning

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

43. 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.

44. 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

45. 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.

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

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

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

#### Public Services

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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

55. 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.

56. 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**

57. 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.

58. 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.

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

60. 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.

61. 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**

62. 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.

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

64. 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.

65. 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.

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

67. 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.

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

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

70. 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 the 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.

71. 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.

72. 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.

73. 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 4. 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 1<sup>st</sup> day of March, 2016, by the following vote:

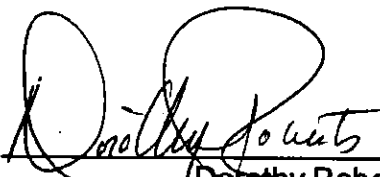
AYES: Mott, Inman, Sedgley, Techel

NOES: None


ABSENT: None

RECUSED: Lueros

ABSTAIN: None

ATTEST:   
Dorothy Roberts  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Michael W. Barrett  
City Attorney