

RESOLUTION R2018-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE NAPA OAKS II PROJECT (3095 AND 3027 OLD SONOMA ROAD AND 211 CASSWALL STREET), AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, on March 31, 2011 Davidon Homes submitted an application (PL11-0042) for a General Plan Amendment, Zoning Amendment, Use Permit, Design Review Permit and a Tentative Subdivision Map for the properties at 3095 and 3027 Old Sonoma Road and 211 Casswall street (APNs: 043-040-008, 010, 013 & 025); all of the above which comprise the "Project"; 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 permits or entitlements for the Project; and

WHEREAS, the City of Napa caused an Environmental Impact Report, consisting of a Draft EIR, a Final EIR and all the appendices thereto ("EIR"), for the Project to be prepared 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 July 27, 2012, a Notice of Preparation of a Draft Environmental Impact Report for the Napa Oaks II was posted and mailed to all responsible and affected agencies pursuant to CEQA Guidelines Section 15082; and,

WHEREAS, on July 31, 2012 a Scoping Meeting was noticed and held pursuant to CEQA Guidelines Section 15083; and,

WHEREAS, on March 25, 2016 the City of Napa filed a Notice of Completion of the Draft EIR with the State Office of Planning and Research ("OPR")(State Clearinghouse No. 2012082093) which was distributed to reviewing agencies by OPR, and from March 25, 2016, to June 10, 2016, circulated the Draft EIR for review and comment by the public and public agencies having jurisdiction by law with respect to the project. The Draft EIR is available for public review in the office of the Community Development Department at 1600 First Street in the City of Napa, it was previously distributed to members of City Council, and it is incorporated herein by reference as Exhibit "A"; and

WHEREAS, on November 17, 2017, the Final EIR, which incorporates the Draft EIR by reference and contains the written comments submitted within the statutory circulation period for the Draft EIR, and the written responses to those comments, was

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published and circulated to commenting agencies and responding persons. The Final EIR is available for public review in the office of the Community Development Department, it was previously distributed to members of City Council, and it is incorporated herein by reference as Exhibit “B”; and

WHEREAS, on December 7, 2017 the Planning Commission considered the EIR and all written and oral testimony submitted to them at a noticed public hearing on the General Plan Amendment, Zoning Amendment, Use Permit, Design Review Permit and Tentative Subdivision Map, at which time the Planning Commission heard a presentation by staff and took public testimony, and thereafter closed the public hearing and continued its consideration of the Project to a special meeting on December 21, 2017 where they subsequently recommended that the City Council deny the General Plan Amendment; and

WHEREAS, on June 19, 2018 the City Council of the City of Napa held a public hearing on the subject EIR, General Plan Amendment, Zoning Amendment, Use Permit, Design Review Permit and Tentative Subdivision 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 EIR, the Mitigation Monitoring and Reporting Program and the Findings of Fact.

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

1. Recitals. 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.

2. Compliance with CEQA. The City Council hereby certifies that the EIR was prepared in compliance with the requirements of CEQA. Pursuant to CEQA Guidelines Section 15088.5, and as found in the Final EIR, no new significant information was added to the Draft EIR and therefore, recirculation of the Draft EIR is not required.

3. EIR Reviewed and Considered. The City Council hereby certifies that the EIR has been presented to the City Council; that the City Council has reviewed and considered the information contained in the EIR; that the EIR reflects the independent judgment of the City Council; and that the information contained therein has substantially influenced all aspects of the decision by the City Council on the Project application.

4. Findings of Fact Regarding Significant Effects. Section 21081 of the Public Resources Code and Section 15091 of the CEQA Guidelines require the City Council to make certain findings regarding the potential environmental effects of the Project. The City Council hereby adopts all findings contained in the attached Findings of Fact (Exhibit “C” to this resolution, attached hereto and incorporated by reference).

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5. As more fully identified and set forth in the Findings for Fact, the City Council hereby finds pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091 that the mitigation measures described in the EIR are feasible and fully enforceable and will become binding upon the entity assigned thereby to implement the same.

6. As required by Public Resources Code Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program as set forth in the Final EIR and attached to this Resolution as Exhibit "D" (attached hereto and incorporated by reference). The City Council further finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during the project implementation, the mitigation measures identified in the EIR will be implemented.

7. The City Council, exercising its own independent judgment, hereby finds that all the findings contained in Exhibit "C" are supported by substantial evidence in the record,

8. Location and Custodian of Documents. The record of Project's environmental review, which is further described in Exhibits "A" and "B," shall be kept at the Community Development Department, 1600 First Street, Napa, CA 94559.

9. Certification. Based on the above facts and findings and the findings in the attached Exhibits, the City Council hereby certifies, as the lead agency and the decision making body for the Project, that the EIR for this Project is accurate and adequate. The Council further certifies that the EIR was completed in compliance with CEQA and the State CEQA Guidelines. The City Clerk is directed to file a Notice of Determination as required by CEQA and the CEQA Guidelines.

10. This Resolution shall take effect immediately upon its adoption.

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I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 19th day of June 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Dorothy Roberts
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney

Attachments:

- Exhibit A: Draft Environmental Impact Report (DEIR) (distributed previously and on file with the Community Development Department)
- Exhibit B: Final Environmental Impact Report (FEIR)
- Exhibit C: CEQA Findings of Fact
- Exhibit D: Mitigation Monitoring and Reporting Program

EXHIBIT "A"

DRAFT ENVIRONMENTAL IMPACT REPORT

(PREVIOUSLY DISTRIBUTED TO THE CITY COUNCIL,
AND MADE AVAILABLE TO THE PUBLIC FOR REVIEW AT

<https://www.cityofnapa.org/326/Napa-Oaks-II>

AND THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT,
1600 FIRST STREET, NAPA, CA 94559)

EXHIBIT “B”

FINAL ENVIRONMENTAL IMPACT REPORT

(PREVIOUSLY DISTRIBUTED TO THE CITY COUNCIL,
AND MADE AVAILABLE TO THE PUBLIC FOR REVIEW AT

<https://www.cityofnapa.org/326/Napa-Oaks-II>

AND THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT,
1600 FIRST STREET, NAPA, CA 94559)

EXHIBIT “C”

**CEQA FINDINGS OF FACT
NAPA OAKS II SUBDIVISION**

I. INTRODUCTION

1. These are the California Environmental Quality Act Findings of Fact (“CEQA Findings”) prepared for the City of Napa (“City”) as lead agency for the Napa Oaks II Subdivision (“Project”). These findings have been prepared to comply with requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). These CEQA Findings pertain to the Project and the Environmental Impact Report (“EIR”) prepared for the Project, SCH #2012082093. The Draft EIR, the Final EIR and all the appendices comprise the “EIR” referenced in these CEQA Findings.

2. These CEQA Findings are attached as Exhibit “C” and are incorporated by reference into the resolution certifying the EIR. That resolution also incorporates an Exhibit D, which contains the Mitigation Monitoring and Reporting Program (“MMRP”), and which references the Project’s impacts, mitigation measures, levels of significance before mitigation, and resulting levels of significance after mitigation.

3. Each statement made in these CEQA Findings is a finding of the City Council of the City. Thus, the CEQA Findings are comprised of many individual findings.

4. The CEQA Findings attached as Exhibit “C” do not, in all cases, identify the party responsible for carrying out the mitigation measure, monitoring the mitigation measure, or the timing of the mitigation measure. That information is contained in the MMRP (Exhibit “D”).

II. TERMINOLOGY OF FINDINGS

CEQA and the CEQA Guidelines require that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of the three allowable conclusions:

1. Changes or alterations which avoid or substantially lessen the significant environmental effects as identified in the EIR have been required or incorporated into the project;

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency; or

3. Specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the DEIR.

(Pub. Resources Code, § 21081, subd. (a)(1)-(3); CEQA Guidelines, § 15091, subd. (a)(1)-(3).)

For purposes of these findings, the terms listed below will have the following definitions:

- The term “mitigation measures” shall constitute the “changes or alterations” discussed above.
- The term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to avoid a potentially significant environmental effect, or reduce such effect to a less-than-significant level.
- The term “feasible,” pursuant to the CEQA Guidelines, means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

When the City of Napa City Council (City Council) finds a measure is not feasible, it will provide evidence for its decision and may adopt substitute mitigation that is feasible, and designed to reduce the magnitude or severity of the impact. In other cases, the City Council may decide to modify the proposed mitigation measure. Modifications achieve the intent of the proposed mitigation without reducing the level of protection.

III. PROJECT DESCRIPTION

1. PROJECT OVERVIEW

The Napa Oaks II Subdivision is an application for a General Plan Amendment, Rezoning, Design Review Permit and a Tentative Subdivision Map to subdivide an 80.63-acre project site at 3095 Old Sonoma Road into 51 single family lots and six open space parcels containing several walking trails and a 0.5-acre park. Access to the subdivision will be via a new private street off the south side of Old Sonoma Drive with a new roundabout intersection at Lilienthal Avenue. A secondary emergency access is proposed further west on Old Sonoma Road. The proposed streets within the subdivision will be privately maintained but accessible to the public. The subdivision proposes lot sizes that range from 0.3 acres to 0.96 acres, with an average lot size of approximately 0.46 acres. The 51-unit development proposes a total of seven model house plans that range in size from 3,418 to 5,109 square feet, with each plan having two to three different elevations. Two of the models are of a one-story design that features a front porch element and recessed garages. In response to the sloping nature of the site some of the homes would

be built into a slope such that the upper story is street level in the front and the lower story is ground level in the back.

More than half (49.93 acres) of the project site, will be preserved within six open space areas that are located along the boundary of the site and the steeper sloped areas. In conjunction with the approximately 50 acres of open space, the development includes the construction of an approximately half-acre park and public trail network. This trail will meander throughout the open space area and will provide approximately two miles of walking and biking paths. The proposed park, which is also the trailhead, will feature an 8-space parking lot, stationary exercise equipment and a picnic area. The park and trail will be open to the public, but privately maintained by the homeowner's association. Additional open space preservation includes approximately 29 acres of oak woodlands habitat on the property directly north of the site across Old Sonoma Road. This property is a highly visible ridgeline and was identified as an appropriate mitigation measure for the project's oak woodland impacts.

The project's circulation pattern proposes private streets that vary in width from 28 to 36 feet, including a main collector, identified as "Street A", which would carry the traffic from Old Sonoma Road with two travel lanes and sidewalk on the east side. Secondary streets, identified as "Streets C and F", respectively, extend through the site culminating in a series of cul-de-sacs. Streets within the development that provide fronting homes will contain parking, sidewalks and planter strips on that street. The on-site storm drain system will require a private maintenance agreement, to include subsurface, oversized storm drains designed to temporarily store peak flows and a detention basin located adjacent to Street A near the project entrance.

The project includes several street and pedestrian improvements along Old Sonoma Road. The improvements include the construction of a roundabout at the project's entry on Old Sonoma Road and Lilienthal Street. This improvement will function to provide safer project ingress and egress and increase safety for vehicular, bicycle and pedestrian use on Old Sonoma Road because drivers on all legs of the intersection must reduce their speed to negotiate a roundabout, which will be located near the middle of the street. Additionally, the developer will be constructing new sidewalk along the south side of Old Sonoma Road east of Lilienthal Avenue to the resumption of the sidewalk approximately 300 feet east of the Project site. The Project will also shall fund the necessary improvements to continue the existing Class II bike lanes on Old Sonoma Road from the Foster Road intersection to the westerly end of the Project site, thereby connecting the Project site to the citywide bicycle network.

2. PROJECT BACKGROUND

In 1975, the City of Napa established a Rural Urban Limit (RUL) line, an urban growth boundary identifying a limited area for urban development in order to contain urban growth and control Napa's outward expansion. As a result, all of Napa's future development is designated in existing neighborhoods within the RUL. The City has been divided into a total of 12 planning areas that are planned for future development. The

City's 1998 General Plan maintained the RUL with little change from that adopted by the City in its 1982 General Plan. The Project site is located within the Westwood planning area of the RUL.

Larger residential projects were previously proposed at this site with various environmental documents circulating between 1999 and 2002, though no project was approved. A Final EIR was completed and certified by the City of Napa for the former Napa Oaks Project, dated August 2002 with State Clearinghouse Number 1998012049 (Former Certified EIR). The Former Certified EIR analyzed the project composed of 83 new large single-family homes and project alternatives, including prior proposals with additional lots. The current Project is revised from that previously proposed Napa Oaks Project and this environmental document is not a subsequent or supplemental EIR for those previously circulated documents. Note that the Project was revised following the August 2014 South Napa earthquake to allow for a wider fault line setback. The revisions result in three fewer residential units (51 instead of 54) than previously proposed. Some of the analyses for this EIR were quantified based on the higher 54-unit count. The differences in quantification between the three units counts would be minimal and slightly more conservative (slightly greater impacts associated with the 54-unit proposal) with the additional units. Therefore, quantification based on 54 units was retained for analysis of the current 51-unit Project. Wherever the layout of the plan could affect the analysis, the current site plan was reanalyzed.

3. PROJECT SITE

The Project site totals 80.63 acres (within four existing parcels) that are located on the south side of Old Sonoma Road and west of Casswall Street. Much of the site is currently used for grazing cattle and is characterized as primarily undeveloped hillside that varies in elevation from 70 to 336 feet above sea level. The property is not in its original condition as certain areas of the site were graded, likely in preparation for development at some time in the past by a previous owner. The current topography includes four prominent knolls separated by small valleys that are primarily vegetated by grasslands and groupings of oak trees. The Project site is a mix of these flatter graded areas, some moderate slopes, and some very steep topography. Specifically, the property contains 30.48 acres of slopes that range from 0–15%; 25.66 acres that range between 15–30%; and 24.48 acres that exceed 30% slope.

Existing structures on the site include two single-family residences, one accessible from Casswall Street and a second on the hill above Old Sonoma Road, which includes a pool, stable and outbuildings, but is currently vacant. Both residences would be demolished to accommodate the proposed development. Surrounding land uses include vineyard properties located within the County of Napa to the west and south, a residential neighborhood of single-family homes at the base of the ridge to the east, large residential estates across Old Sonoma Road to the north, and several scattered single-family homes to the northwest. The homes east and northeast of the site are within the city limits, but residences to the west and northwest, and vineyards west and south of the site are in unincorporated Napa County.

4. EXISTING LAND USE DESIGNATIONS AND ZONING

The project site has two General Plan designations. The majority of the site (78 acres) is located within the RA-123, Resource Area and a 2.63-acre portion of the site located in the northeastern corner is designated SFR-121, Single Family Residential. The applicant is requesting a GPA and rezone of the 78-acre portion of the site so that entire 80.63-acre project site is designated SFR-121, Single Family Residential.

5. PROJECT OBJECTIVES

Pursuant to CEQA Guidelines, Section 15124(b), a clear statement of objectives sought by the Project is required. The overarching goal of the Project is the orderly and systematic development of a residential community that is generally consistent with the goals and policies of the land use designations set forth within the City's General Plan and Rural Urban Limit (RUL) line. In support of this goal, the Project includes the following project objectives:

- To create a low-density residential project that will respect the unique physical and environmental attributes of the Project site, including utilizing the Project site's previously graded areas.
- To allow development of a high-quality yet economically feasible project, being one that allows for the development of enough low density housing to support public benefits including public trails, conservation areas, drainage improvements, fire safety plan, and water supply improvements.
- To help Napa achieve its goal of providing housing types currently undersupplied in the City of Napa within its Rural Urban Limit line.
- To enhance the overall quality of the community and provide visual and architectural variety within the project in an aesthetically pleasing manner.
- To provide economic benefit to the City of Napa through increased property tax and the multiplier effect from executive relocation opportunities.

6. PROJECT PHASING

Construction of the Project involves site preparation and grading, which is estimated to involve a raw cut of 222,454 cubic yards of soil and a raw fill of 219,578 cubic yards. Rather than export the 2,876 cubic yards of difference, the final earthwork would likely be balanced on site. The applicant has noted the intention to complete demolition and earth moving for the entire site up front, with homes being constructed following that work based on market demand. Because of the uncertainty in the schedule, construction period assumptions were utilized from the air emissions model based upon Project specifics, which is considered conservative. Demolition, grading and paving would occur over the

first 8 months, with building construction and coating occurring over the next approximately 3 years. The total construction period was assumed to stretch a total of 3.74 years.

7. REQUIRED DISCRETIONARY ACTIONS

The project approvals required from the City for this Project include the following:

- If the City intends to approve the Project, it must first certify that the EIR was completed in compliance with the requirements of CEQA, that the decision-making body has reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the City of Napa. Approval of the EIR also requires adoption of (1) a Mitigation Monitoring and Reporting Program (MMRP), which identifies the mitigation measures required to eliminate or reduce the Project's significant effects on the environment, the parties responsible for implementing such mitigation measures, and the methods for monitoring the successful implementation of such measures; and (2) Findings of Fact, as required by Section 21081 of CEQA and Section 15091 of the CEQA Guidelines;
- A General Plan Amendment to re-designate a majority of the project site (78 acres) from RA-123 with an allowable density of 1 unit per 20 acres to SFR-121, Single Family Residential with an allowable density of 0 to 3 units per acre. This would place the entire project site within the same General Plan land use designation.
- A Rezone of the majority of the project site (78 acres) from AR, Agricultural Residential to RS-7, Single Family Residential District. The proposed rezoning would have no effect on the existing :HS, Hillside Overlay Zoning District which will continue to remain.
- A Use Permit to authorize an increased density within the :HS Zoning Overlay and use of the flag lot development standards;
- A Design Review Permit to authorize the building design, landscaping, retaining walls and site layout.
- A Tentative Subdivision Map to divide the property into 51 residential lots, five open space parcels and a park parcel (identified as Parcels A through E) and a common parcel for private streets.

The EIR prepared for the Project would be used by responsible agencies and trustee agencies that may have some approval authority over the Project (e.g., to issue a permit). The Project applicant would obtain all permits, as required by law. The following agencies, which may be considered responsible agencies, may have discretionary authority over approval of certain Project elements, or alternatively, may serve in a ministerial capacity:

- Napa Sanitation District
- State Water Quality Control Board; and
- U.S. Army Corps of Engineers

IV. ENVIRONMENTAL REVIEW PROCESS

1. Pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA") and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Napa CEQA Guidelines, Resolution No. R1 1999-217, the City determined that an Environmental Impact Report, consisting of a Draft EIR (DEIR), a Final EIR (FEIR), and all the appendices thereto (collectively, the "EIR"), would be prepared for the Project. The City issued a Notice of Preparation ("NOP") on July 27, 2012 which was circulated to responsible agencies and interested groups and individuals for review and comment. The City also held a public scoping meeting on July 31, 2012. Concerns raised in response to the NOP were considered during preparation of the DEIR.

2. On March 25, 2016, the City published the DEIR for review by the public, local agencies, state agencies, federal agencies, and other interested parties for a 45-day review period which, by request, was extended to 65 days, to solicit comments on the DEIR. This period satisfied the requirement for the public review period as set forth in Section 15105 of the CEQA Guidelines.

3. The City received 59 written comments during the comment period. Chapter 23 of the FEIR includes responses to all 59 comments.

4. On November 17, 2017, the City published the FEIR for the Project. The FEIR includes comments received on the DEIR, responses to significant environmental issues raised in the comments, and revisions to the text of the DEIR. Together, the FEIR and the DEIR (as revised by the FEIR) constitute the EIR for the Project.

5. On December 7, 2017, the Planning Commission considered the Final EIR and all written and oral testimony submitted to them at a noticed public hearing on the General Plan Amendment, Zoning Amendment, Use Permit, Design Review Permit and Tentative Subdivision Map, at which time the Planning Commission heard a presentation by staff and took public testimony, and thereafter closed the public hearing and continued its consideration of the Project to a special meeting on December 21, 2017 where they subsequently recommended that the City Council deny the General Plan Amendment.

6. On June 19, 2018, the City Council held a public hearing on the EIR and the abovementioned entitlements.

7. At all public hearings, the City staff and its engineering and environmental consultants along with the Project applicant provided information about the Project, the

potential environmental impacts, and the CEQA review process. At each meeting/hearing, members of the public had the opportunity to ask questions and express their concerns and interests regarding the Project.

V. RECORD OF PROCEEDINGS

1. For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for the City's decision on the Project includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

a. The Notice of Preparation (NOP) dated July 27, 2012 and all other public notices issued by the City in conjunction with the Project;

b. The DEIR for the Project and all documents relied upon or incorporated by reference therein;

c. Notice of Completion (NOC), distributed March 25, 2016, which was published in the local newspaper providing notice that the Draft EIR had been completed and was available for public review and comment through June 10, 2016;

d. All written and oral comments submitted by agencies or members of the public during the 45-day comment period on the DEIR;

e. All comments and correspondence submitted to the City with respect to the Project;

f. The FEIR for the Project, and all documents relied upon or incorporated by reference therein;

g. The Planning Commission staff report, minutes of the Planning Commission public hearing; and resolution of the Planning Commission relating to the EIR;

h. The City Council staff report, minutes of the City Council public hearing, and all findings, resolutions and ordinances of the City Council relating to the Project, and all documents cited or referred to therein.

i. The mitigation monitoring and reporting program (MMRP) for the Project;

j. All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

k. All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the final public hearing on June 19, 2018;

l. Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;

m. Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;

n. All resolutions and ordinances adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions and ordinances;

o. The City's General Plan and all updates and related environmental analyses;

p. Matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations;

q. All applicable provisions of the City's Municipal Code;

r. Any documents expressly cited in these findings, in addition to those cited above; and

s. Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

2. Pursuant to CEQA Guidelines section 15091(e), the administrative record of these proceedings is located at, and may be obtained from, the City's Community Development Department at 1600 First Street, Napa, CA 94559. The custodian of these documents and other materials is Mike Allen, Associate Planner in the Planning Division of the City of Napa's Community Development Department.

VI. CERTIFICATION OF THE EIR

1. In accordance with CEQA, the CEQA Guidelines and applicable City policies and requirements, the City Council, as lead agency, certifies that the EIR has been completed in compliance with CEQA and the CEQA Guidelines. The City Council further certifies that it has reviewed and considered the information in the EIR prior to approving any element of or entitlement for the Project. The City Council hereby confirms, ratifies and adopts the findings and conclusions of the EIR, as supplemented and modified by the findings contained herein, and certifies that the EIR and these CEQA Findings represent the independent judgment and analysis of the City and the City Council.

2. The Council certifies that the EIR is adequate to support the approval of the Project, each alternative in the EIR, and variations within the range of alternatives described and evaluated in the EIR. The EIR is adequate for each entitlement or approval required for construction or operation of the Project.

VIII. MITIGATION MEASURES, CONDITIONS OF APPROVAL, AND MMRP

1. Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097 require the City to adopt a mitigation monitoring plan or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Council finds that the MMRP attached as Exhibit “D” meets these requirements and hereby adopts the MMRP.

2. The mitigation measures set forth in the MMRP reflect the mitigation measures set forth in the EIR. The City has modified the language of some of the mitigation measures and corresponding conditions for purposes of clarification and consistency, to enhance enforceability, to defer more to the expertise of other agencies with jurisdiction over the affected resources, to summarize or strengthen their provisions, and/or to make those mitigation measures more precise and effective, all without making any substantive changes to those mitigation measures.

IX. FINDINGS REGARDING IMPACTS

1. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Council adopts the findings and conclusions regarding potential impacts and mitigation measures that are set forth in the EIR, and summarized in these Findings of Fact. These findings do not repeat the full discussions of environmental impacts contained in the EIR. The Council ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments and conclusions of the EIR. Except as specifically set forth herein, the Council adopts the reasoning of the EIR, City staff reports, and City staff and the presentations provided by the Project Applicant.

2. The Council has, by its review of the evidence and analysis presented in the EIR and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Project. In turn, this understanding has enabled the Council to make fully informed, thoroughly considered decisions on these important issues. These CEQA Findings are based on a full appraisal of the EIR and the record, as well as other relevant information in the record of proceedings for the Project.

3. A number of potential impacts analyzed under the EIR were found to be less than significant even without mitigation. For these less than significant impacts, no specific findings are made in this document, consistent with CEQA Guidelines Section 15091. These less than significant findings are set forth in the EIR. The Council hereby adopts the reasoning of the EIR in finding that these impacts are less than significant.

4. As described in detail in the EIR, a number of potential environmental effects from the proposed project were found to be potentially significant unless changes to the project were implemented to avoid or substantially lessen their effects. Consistent with CEQA Guidelines Section 15091(a)(1), the Council finds that with the proposed changes to the project, in the form of the mitigation measures described in the EIR, all of the proposed project's potentially significant environmental effects would be avoided or substantially lessened, such that the project, as mitigated, would not have any significant environmental effects. The details regarding the mitigation measures and the resulting, less than significant environmental effects are set forth in the EIR and incorporated herein by this reference.

5. Under Public Resources Code section 21081(a)(2) and CEQA Guidelines sections 15091(a)(2) and 15092(b)(2)(A), the Council recognizes that some mitigation measures may require action by, or cooperation from, other agencies. Similarly, mitigation measures requiring a project applicant to contribute towards improvements planned by other agencies will require the relevant agencies to receive the funds and spend them appropriately. The Council also recognizes that some cumulative impacts will be feasibly mitigated when other agencies build the relevant improvements, which also requires action by these other agencies. For each mitigation measure that requires the cooperation or action of another agency, the Council finds that adoption and/or implementation of each of those mitigation measures is within the responsibility and jurisdiction of another public agency, and that the measures can and should be adopted and/or implemented by that other agency.

6. The Council finds that, after implementation of the mitigation measures described in the EIR, the Project will not result in any significant impacts.

X. FINDINGS REGARDING RECIRCULATION OF THE DEIR

1. The City Council adopts the following findings with respect to whether to recirculate the EIR. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the DEIR for public review but prior to certification of the FEIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

a. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

b. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

c. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

d. The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5.)

2. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) “Recirculation was intended to be an exception, rather than the general rule.” (*Ibid.*)

3. The City Council recognizes that the FEIR contains additions, clarifications, modifications, and other changes to the DEIR. As noted above, a few comments on the DEIR either expressly or impliedly sought changes to proposed mitigation measures identified in the DEIR as well as additional mitigation measures. As explained in the FEIR, some of the suggestions were found to be appropriate and feasible and were adopted in the FEIR. Where changes have been made to mitigation measures, these changes do not change the significance of any conclusions presented in the DEIR.

4. CEQA case law emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) “CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.’ [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process.” (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.) Here, the changes made to mitigation measures are exactly the kind of project improvements that the case law recognizes as legitimate and proper.

5. The changes to the mitigation measures described in Chapter 22 of the FEIR supplement or clarify the existing language. Thus, none of these changes involves

“significant new information” triggering recirculation because the changes to the mitigation measures did not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects, or otherwise trigger recirculation. Instead, the modifications were either environmentally benign or environmentally neutral, and thus represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion. Under these circumstances, the City Council finds that recirculation of the EIR is not required.

XI. PROJECT ALTERNATIVES

1. Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

2. Under CEQA, where a significant impact can be substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if an alternative would mitigate the impact to a greater degree than the proposed project. (Pub. Resources Code, § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521 (*Laurel Hills*); see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) Specifically, the CEQA Guidelines provide that “[t]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (CEQA Guidelines, § 15126.6, subd. (a).) When a lead agency has determined that certain effects on the environment of a project are not significant, the lead agency does not need to discuss those impacts in detail within the environmental impact report. (Pub. Resources Code, § 21100.) Therefore, like mitigation measures, a lead agency is not required to consider the feasibility of implementing an alternative to a project unless the alternative will avoid or substantially lessen a significant impact. (CEQA Guidelines, § 15126.4, subd. (a)(3) [mitigation measures are not required for effects which are not found to be significant]; CEQA Guidelines, § 15126.6, subd. (a) [alternatives must focus on significant impacts of the project and the ability of the alternative to avoid or substantially lessen such impacts].)

3. Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and

feasible within the meaning of CEQA. Although an EIR must evaluate this range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid*; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Under CEQA Guidelines section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” Based on the requirements of CEQA Guidelines section 15126.6 and the Project’s Objectives, the following alternatives to the Project were identified:

- No Project/No Development;
- Reduced Density;
- 25% Reduced Density
- 40% reduced Density
- Increased Density / Smaller Homes.

4. The City Council finds that that a good faith effort was made to evaluate all potentially feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The City Council also finds that all reasonable alternatives were reviewed, analyzed and discussed in developing the EIR.

5. As described in detail in the EIR, all of the proposed Project’s potentially significant environmental impacts would be avoided or reduced to less than significant levels through implementation of the mitigation measures described in the EIR. Thus, as a legal matter, the City Council need not consider, in these findings, the feasibility of the various alternatives described in the DEIR. Nevertheless, these findings provide a detailed discussion of each project alternative including potential differences between each alternative and the proposed Project with respect to each potential impact. The City Council has chosen to address alternatives to the proposed Project in detail within these findings in the interest of full disclosure and to demonstrate it has fully considered whether any of the alternatives is indeed feasible or more desirable from a policy standpoint.

6. In addition, the City identified potential alternatives to address concerns raised by the public during review of the NOP and described in the DEIR. Many of the comment letters received raised issues regarding building heights, compatibility with

adjacent uses, project density, and increase in traffic volumes. Thus, the alternatives developed for the Project also address these concerns. In many instances, the impacts are virtually identical to the proposed Project and are described as such.

- **Alternative A:** No Project/No Development Alternative. Under CEQA, the No Project/No Development Alternative must consider the effects of forgoing the project. CEQA requires the evaluation of the comparative impacts of the “No Project” alternative (CEQA Guidelines, Section 15126.6(e)(1)). According to the CEQA Guidelines, the No Project Alternative can be defined either as “no action taken” or “no development” on the Project site. The purpose of analyzing the No Project/No Development Alternative is to allow decision makers to compare the impacts of the proposed Project to retaining the existing condition of the site. The No Project/No Development Alternative describes the environmental conditions that exist at the time that the environmental analysis commences (CEQA Guidelines, Section 15126.6(e)(2)). Under the No Project/No Development Alternative, the existing vacant structures on the site would remain and the site would not be cleared or developed. It is assumed under this alternative that the trees identified by the arborist to be in poor health could be removed.

- **Alternative B:** Reduced Density Alternative, General Plan Allowance. While Alternative B would substantially reduce the number of units proposed at the site, impacts would be only marginally reduced as they are already less than significant or mitigated to that level under the Project. The area of impacted oak woodland and wetlands would be reduced (by 2.86 acres and 0.19 acre respectively), which would require a smaller amount of replacement and compensation. Additionally, homes would likely be located farther from agricultural uses, though would still require acoustical modeling and construction methods to ensure noise levels would be acceptable. Because Alternative B is less than 50 residential units, a Fire Plan and second access point would not strictly be required though is still considered desirable. The reduced intensity of development under Alternative B would meet all of the Project Objectives, though some would be to a lesser degree than would the proposed Project. It should also be noted that the financial feasibility of this Alternative has not been determined, as the private residential development would need to fund construction of roadway and utility connections as well as conservation efforts and ideally a public trail. The inclusion of less residential development may make the development financially infeasible.

- **Alternative C:** Reduced Density, 25% Reduction Alternative. While Alternative C would reduce the number of units proposed at the site from 53 to 40 dwelling units, impacts would be only marginally reduced as they are already less than significant or mitigated to that level under the Project. The area of impacted oak woodland and wetlands would be reduced (by 2.34 acres and 0.1 acre respectively), which would require a smaller amount of replacement and compensation. Because Alternative C would develop fewer than 50 residential units, a Fire Plan and second access point would not strictly be required though is still considered desirable. The reduced intensity of development under Alternative C would meet all of the Project Objectives, though some

would be to a lesser degree than would the proposed Project. It should also be noted that the financial feasibility of this Alternative has not been determined, as the private residential development would need to fund construction of roadway and utility connections as well as conservation efforts and ideally a public trail.

- **Alternative D:** Reduced Density, 40% Reduction Alternative. While Alternative D would reduce the number of units proposed at the site from 53 to 32 dwelling units, impacts would be only marginally reduced as they are already less than significant or mitigated to that level under the Project. The area of impacted oak woodland and wetlands would be reduced (by 3.74 acres and 0.16 acre respectively), which would require a smaller amount of replacement and compensation. Because Alternative D would develop fewer than 50 residential units, a Fire Plan and second access point would not strictly be required though is still considered desirable. The reduced intensity of development under Alternative D would meet all of the Project Objectives, though some would be to a lesser degree than would the proposed Project. It should also be noted that the financial feasibility of this Alternative has not been determined, as the private residential development would need to fund construction of roadway and utility connections as well as conservation efforts and ideally a public trail.

- **Alternative E:** Increased Density/Smaller Homes Alternative. While Alternative E would increase by 17 the number of dwelling units proposed at the site, impacts would not substantially change from that of the Project, as the footprint of development would be similar (2.96 acres smaller under Alternative E), and increases in development density represented by the increased unit count would not change significance levels of identified impacts or result in new impacts. Inclusion of a roundabout at Old Sonoma Road would mitigate the potential for inadequate site distances at this intersection. The increased density of development under Alternative E would meet all of the Project Objectives, some to a greater degree than would the proposed Project.

7. The Council has considered the alternatives to the Project analyzed in Section 6 of the Draft EIR and FEIR, finds them to be infeasible for specific economic, legal, social, technological, or other considerations pursuant to Public Resources Code Sections 21002 and 21081(a)(3), and CEQA Guidelines Section 15091(a)(3). For CEQA purposes, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (Public Resources Code Section 21061.1, CEQA Guidelines Section 15364.)

8. The Council adopts the EIR’s analysis and conclusions regarding feasibility of alternatives eliminated from further consideration, both during the analysis process and in response to comments. (DEIR, Section 5)

9. The Council certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR and this Section reflect the Council’s independent judgment as to alternatives.

III. CONCLUSION

The City of Napa has determined that no significant and unavoidable impacts are anticipated to result from the proposed Project. All of the Project's potential impacts are either less than significant or can be reduced to a less than significant level through implementation of the mitigation contained in the EIR. Because of the low impact of the proposed Project, differences between it and the Alternatives are marginal and confined to reductions in already less than significant impacts.

The City of Napa has considered information contained in the Final EIR as well as the public testimony and record of proceedings in which the project was considered. Having adopted all feasible mitigation measures, the City of Napa hereby finds that each of the separate benefits of the proposed project, as stated herein, thereby justifies the approval of the Napa Oaks II Subdivision. Based on the foregoing findings and the information contained in the record, the City Council hereby determines that:

- a. All significant effects on the environment due to approval of the project have been eliminated or substantially lessened where feasible;
- b. There are no feasible project alternatives which would mitigate or substantially lessen the impacts.

EXHIBIT “D”**Mitigation Monitoring and Reporting Program****A. Introduction**

When approving projects with Environmental Impact Reports (EIRs) that identify potentially significant impacts, the California Environmental Quality Act (CEQA) requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified potentially significant effects (Public Resources Code Section 21081.6(a)(1)). A public agency is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The mitigation measures required by a public agency to reduce or avoid potentially significant project impacts not incorporated into the design or program for the project may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

The MMRP includes the mitigation measures identified in the EIR required to address the potentially significant impacts associated with the proposed project. The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures is presented in the Draft EIR in Chapter 2, Summary, except as revised in this Final EIR. The mitigation revisions in the Final EIR include revisions to Mitigation Measures Bio-1a, Bio-1b, Bio-2b, Bio-6, Culture -2a, Culture -2b, and Traffic -7. The revisions to these mitigation measures were made to reflect required implementation procedures in the Mitigation Monitoring and Reporting Program.

B. Format

The MMRP is organized in a table format (see **Table 1.1**), keyed to each significant impact and each EIR mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- **Mitigation Measures adopted as Conditions of Approval:** This column presents the mitigation measure identified in the EIR.
- **Action:** This column identifies the procedures associated with implementation of the mitigation measure.
- **Implementing Party:** This column contains an assignment of responsibility for the monitoring and reporting tasks.
- **Timing / Mitigation Schedule:** The general schedule for conducting each mitigation task, identifying where appropriate both the timing and the frequency of the action.

- **Monitoring Party:** This column identifies the person or department within the City responsible for monitoring the implementation of and determining compliance with each mitigation measure, and any responsible agency involved in implementation of each mitigation measure.

C. Enforcement

If the proposed development is approved, the MMRP would be incorporated as a condition of approval for the project. As such, all mitigation measures for significant impacts must be carried out in order to fulfill the requirements of approval. These measures would be referenced on architectural, development and similar plans, in technical reports, and in the field prior to construction.

**Table 1.1
Mitigation, Monitoring and Reporting Program for the
Napa Oaks II Subdivision Project EIR**

	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
<i>Agricultural Resources</i>					
Impact Ag-1: Direct Conversion of Forest Land.	Mitigation Measure Bio-2a: Oak Woodland Preserves. The applicant shall establish both on- and off-site oak woodland preserves to permanently conserve oak woodlands consistent with accepted mitigation practices and regulations per the California Public Resources Code at a ratio of at least 3:1 acres for oak woodlands removed. The conserved acres shall include oak woodlands that could be preserved within the on-site open space preserve and individual tree protection subject to deed restriction and managed by the HOA, and off-site oak woodlands within a nearby conservation easement created by the developer. The applicant shall prepare and implement an Oak Woodland Mitigation Implementation Plan that will specify the on-site and off-site preservation/conservation areas and mechanism of conservation/preservation to permanently implement this measure.	Applicant shall establish both on- and off-site oak woodland preserves to permanently conserve oak woodlands.	Project Applicant	Prior to issuance of a building permit and/or issuance of a certificate of occupancy	CDD – Planning & Building Divisions
	Mitigation Measure Bio-2b: Tree Replacement Plan. The applicant shall prepare and implement an Oak Woodland Mitigation Implementation Plan that will specify a tree replacement plan, a construction-period tree protection plan. As part of the Oak Woodland Mitigation Implementation Plan the applicant shall prepare and implement a Tree Replacement Plan that includes a description of: (i) how the replacement of trees in the Oak Woodland Mitigation Implementation Plan satisfies the requirements of City of Napa Municipal Code, Chapter 12.45 (the Project shall be required to replace protected trees to be removed using the following formula; for each six inches or fraction thereof of the protected native tree, two trees of the same species in a minimum 15-gallon container or larger	Applicant shall prepare and implement an oak woodland implementation plan	Project Applicant	Prior to issuance of a building permit and/or issuance of a certificate of occupancy	CDD – Planning & Building Divisions

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	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	size shall be planted on the project site or an in-lieu fee of \$300.00 per tree may be paid to the City for planting a tree on public land).				
<i>Air Quality</i>					
Impact Air-1: Construction Period Dust, Emissions and Odors. Construction of the Project would result in temporary emissions of dust, diesel exhaust and odors that may result in both nuisance and health impacts.	<p>Air-1: Basic Construction Management Practices. The Project shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD “Basic Construction Mitigation Measures”.</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • 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. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • 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. • 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. • 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. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable 	Require all measures be included in construction contracts and in the COA. City to inspect site during construction to ensure measures are implemented.	Project Applicant	Prior to issuance of a grading permit	CDD– Planning & Building Divisions; PW – Engineering Division

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	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	regulations.				
<i>Biological Resources</i>					
Impact Bio-1a: Wetlands Fill. Direct (fill) impacts to waters of the U.S. would result from implementation of the proposed site plan.	Bio-1a: Wetland Replacement. The Corps and RWQCB require mitigation for the impacts on seasonal wetlands. The applicant shall develop a wetland mitigation plan to mitigate impacts on jurisdictional areas as part of the Corps and RWQCB permit process. Pursuant to this plan, the applicant shall establish the required ratio of replacement wetlands acreage onsite within the open space preserve area, which is anticipated to be 2:1 based on the site-specific characteristics.	Require all mitigation plans be included in improvement plans/construction contracts. Replacement wetlands to be established during construction.	Qualified biologist retained by the project applicant.	In conjunction with Improvement plan review and during final pad grading.	CDD– Planning Division, Corp of Engineers and Dept. of Fish & Wildlife
Impact Bio-1b: Construction-Period Wetlands Disturbance. Preserved wetlands within the proposed open space preserve could be subject to indirect impacts during construction if not protected.	Bio-1b: Construction-Period Barriers to Wetlands. During construction and prior to any clearing, grading, or construction activities, temporary barriers shall be placed around all wetlands that are to be avoided by the development plan. These barricades shall create at least a 20-foot buffer area around these areas. No clearing, operation of heavy equipment, or storage of construction materials shall be permitted within this area.	Require installation of fencing	Applicant	Before commencement of project grading	PW engineering Division/ CDD building
Impact Bio-1c: Indirect Wetlands Disturbance. Without long term management, preserved sensitive habitats, including mitigation wetlands, could experience indirect impacts from disturbances associated with residential projects such as from residents,	Bio-1c: Wetlands Management and Monitoring Plan. Prior to construction, the applicant shall prepare a management plan for the onsite open space preserve with habitat goals and objectives and a monitoring plan that provides for management inspections and maintenance actions. The monitoring plan must include monitoring and reporting requirements, responsibilities, performance success criteria, reporting procedures and contingency requirements. A long-term protection plan for the open space should be included in the management plan through use of a deed restriction and management of the preserve area into perpetuity by the Homeowner's Association. The management plan should include measures such as fencing or signage to restrict access to preserved sensitive areas, and means to	Require all mitigation plans be included in improvement plans/construction contracts.	Qualified biologist retained by the project applicant.	In conjunction with Improvement plan review.	CDD– Planning Division, PW Engineering

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	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
vehicles, and domestic pets, introduction of invasive species, or other factors.	prevent intrusion of pets (e.g., enforcement of leash laws). Vegetation management practices shall also be included in the management plan (see Mitigation Measure Bio-3a).				
Impact Bio-3: Introduction of Invasive Plants. Project landscaping is expected to introduce exotic, non-native vegetation, some of which could degrade the quality of wildlife habitats.	Bio-3a: Prohibit Use of Invasive Plants. The CC&Rs for residences shall prohibit the use of invasive plant species. This shall be enforced by the HOA, which should encourage landscaping in both commons areas as well as on private lots that is designed to enhance the wildlife value and aesthetic quality of undeveloped portions of the Project site.	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	CDD– Planning Division, PW Engineering
	Bio-3b: Construction Controls to Prevent Spread of Invasive Plants. Construction activities shall be commenced under the direction of a qualified biologist, who will identify invasive species and direct construction controls as appropriate. Weed management practices may be warranted, including identification and removal of infestations of noxious weeds prior to construction, use of construction equipment and materials such as fill and erosion control devices that are known to be weed-free, and removal of invasive species from areas within the Project boundary set aside for conservation purposes as part of Project mitigation. Where appropriate, as determined by the qualified biologist, vegetation removed as a result of Project construction activities should be replaced with native species which are of value to local wildlife, and native vegetation should be retained.	Require all mitigation plans be included in improvement plans/construction contracts.	Qualified biologist retained by the project applicant.	In conjunction with Improvement plan review and during final pad grading.	CDD– Planning Division, PW Engineering
Impact Bio-4: Disturbance of Nesting or Wintering Birds. The removal of trees and shrubs during the February 1 to August 1 breeding season could result in mortality of nesting avian species if they are present. This	Bio-4a: Active Nest Buffer Zones During Breeding Season. If construction is to be conducted during the breeding season (February 1 to August 1), a qualified biologist shall conduct a pre-construction breeding bird survey in areas of suitable habitat within 30 days prior to the onset of construction activity. If bird nests are found, appropriate buffer zones shall be established around all active nests to protect nesting adults and their young from construction disturbance. Size of buffer zones shall be determined in consultation with wildlife agency staff based on site conditions and species involved. Pre-construction surveys shall include surveys for nesting by raptors generally	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	CDD– Planning Division, PW Engineering

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	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
could include but is not limited to species of special concern, which could also be disturbed when they are wintering at the site, outside of breeding season.	<p>expected to nest in the region including tree nesting species such as red-tailed, red-shouldered, Cooper's and Sharp-shinned hawk, white-tailed kite, great horned owl and American kestrel, and ground nesting species such as burrowing owl, short-eared owl and Northern harrier. If nesting raptors are found during pre-construction surveys, construction activity in the vicinity of the nest should be delayed until after young have fledged (usually by August), or buffer zones around nest sites of at least 200 feet should be established when construction equipment is present.</p> <p>Bio-4b: Preconstruction Survey for Burrowing Owl. Independent of the time of year, preconstruction surveys for burrowing owls shall be conducted within 30 days of initiation of construction activity. If any burrowing owls are detected during the preconstruction surveys, all appropriate mitigation recommended by the Burrowing Owl Consortium and CDFW will be adopted.</p>	Require all mitigation plans be included in improvement plans/construction contracts.	Qualified biologist retained by the project applicant.	In conjunction with Improvement plan review and during final pad grading.	CDD– Planning Division, PW Engineering
Impact Bio-5: Construction-Period Sediment. Placement of fill and other ground disturbing activities could prompt erosion and allow elevated levels of sediment to wash into downstream riparian areas.	Bio-5: Limit Unstabilized Soil and Comply with Stormwater Pollution Prevention Plan. During construction, vegetation should only be cleared from the permitted construction footprint. Areas cleared of vegetation, pavement, or other substrates should be stabilized as quickly as possible to prevent erosion and runoff. Best Management Practices and all requirements as detailed in the Stormwater Pollution Prevention Plan (see Mitigation Measure Geo-5) shall be implemented to control erosion and migration of sediments offsite.	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	During construction	CDD– Building Division, PW Engineering
Impact Bio-6: Construction-Period Danger to Western Pond Turtles. Construction operations during the creation of the onsite replacement wetlands could impact	Bio-6: Construction-Period Western Pond Turtle Setback and Fencing. A qualified biologist shall conduct a preconstruction survey for western pond turtle at the southern end of the Project site within 24 hours of commencement of activities related to the construction of onsite replacement wetlands (Mitigation Measure Bio-1a) in that area. Any western pond turtles encountered shall be relocated to the irrigation pond to the south of the site.	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	CDD– Planning Division, PW Engineering

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	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
western pond turtles, which have been observed in the adjacent irrigation pond and that could possibly move across the southern portion of the Project site.	Once it can be assured that no western pond turtles are present within the construction area, a western pond turtle exclusion fence (silt fence) shall be installed along the southern property line and adjacent to the offsite pond, to prevent western pond turtles known to occur in the irrigation pond from entering construction areas. This silt fencing shall be maintained at the southern end of the development area during all construction operations to prevent western pond turtle from potentially entering the construction area. The fence shall be examined by a qualified biologist on a regular basis during the construction period to make sure it is functioning properly.				
Impact Bio-7: Disturbance of Bats. Construction in or demolition of buildings could result in destruction of maternity roosts, hibernacula, day roosts, and/or night roosts of bat species, including pallid bat.	Bio-7: Preconstruction Bat Surveys. Generalized preconstruction bat surveys shall be conducted prior to building demolition. The surveys should be conducted no earlier than 45 days and no later than 20 days prior to any activity within 200 feet of the structures. If it is determined that threatened, endangered, or sensitive bat species are present within structures, an appropriate bat exclusion specialist licensed by the State of California shall be consulted. If breeding special status bat species are present, exclusion may only be conducted before May 1 or after August 31 to avoid separating mothers from pups. Exclusion devices can include one-way netting, plastic sheeting, or tubes, and must remain in place for at least 5 to 7 days prior to activity. After that, if demolition is not to occur immediately, exclusion points must be sealed. Ultrasonic devices, chemical repellents, and smoke may not be used for exclusion.	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	CDD– Planning Division, PW Engineering
<i>Cultural and Paleontological Resources</i>					
Impact Culture-2: Disturbance of Unidentified Archaeological Resources, Paleontological Resources or Human	Culture-2a: Halt Construction Activity, Evaluate Find and Implement Mitigation. In the event that previously unidentified paleontological, archaeological or historical resources are uncovered during site preparation, excavation or other construction activity, all such activity within 100 feet of the discovery shall cease until the resources have been evaluated by a qualified professional, and specific measures can be	Halt work and contact qualified paleontologist if paleontological resources are encountered during ground disturbing activities.	Project contractor(s), Qualified paleontologist	During construction - Immediately upon discovery	CDD – Planning & Building Divisions

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	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
Remains. During earth-moving activities at the Project site, it is possible that unidentified archaeological resources, paleontological resources, or human remains could be uncovered and disturbed.	<p>implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code.</p> <p>Culture-2b: Halt Construction Activity, Evaluate Remains and Take Appropriate Action in Coordination with Native American Heritage Commission. In the event that human remains are uncovered during site preparation, excavation or other construction activity, all such activity within 100 feet of the discovery shall cease until the remains have been evaluated by the County Coroner, and appropriate action taken in coordination with the Native American Heritage Commission, in accordance with section 7050.5 of the California Health and Safety Code or, if the remains are Native American, section 5097.98 of the California Public Resources Code.</p>	Halt work and contact County Coroner and qualified archaeologist if human remains are encountered during ground disturbing activities; Notify NAHC within 24 hours.	Project contractor(s), County Coroner	During construction - Immediately upon discovery	CDD – Planning & Building Divisions
<i>Geology and Soils</i>					
Impact Geo-1: Landslides and Unstable Soils. The topography and soils at the Project site represents a concern for landslides and unstable soils if not properly mitigated.	Geo-1: Compliance with the design-level Geotechnical Investigation report prepared by BSA and with Structural Design Plans as prepared by a Licensed Professional Engineer. Proper slope and foundation engineering and construction shall be performed in accordance with the recommendations of BSA and a Licensed Professional Engineer. The structural engineering design, with supporting design-level Geotechnical Investigation, shall incorporate seismic parameters compliant with the California Building Code.	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	PW Engineering
Impact Geo-2: Construction-Period Soil Erosion. Grading and construction activities will expose soil to the elements, which would be subject to erosion during storm events.	Geo-2: Construction-Period Stormwater Pollution Prevention Plan (SWPPP). The Project applicant shall prepare and implement a SWPPP for the proposed construction period. The SWPPP and Notice of Intent (NOI) must be submitted to the State Water Resources Control Board to receive a Construction General Permit. The plan shall address National Pollutant Discharge Elimination System (NPDES) requirements, include applicable monitoring, sampling and reporting, and be designed to protect water quality during construction. The Project SWPPP shall include “Best Management Practices” (BMPs) as required by the State and the Regional Water Quality Control Board for preventing stormwater pollution through soil stabilization, sediment control, wind erosion control, soil tracking control, non-storm water	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	PW Engineering

Legend:

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	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	<p>management, and waste management and materials pollution control. The SWPPP shall take into account the following considerations recommended by the preliminary geotechnical report:</p> <ul style="list-style-type: none"> • Ponding of stormwater, other than within engineered detention basins, should not be permitted at the site, particularly during work stoppage for rainy weather. Before the grading is halted by rain, positive slopes should be provided to carry surface runoff to storm drainage structures in a controlled manner to prevent erosion damage. • The tops of fill or cut slopes should be graded in such a way as to prevent water from flowing freely down the slopes. Due to the nature of the site soil and bedrock, graded slopes may experience severe erosion when grading is halted by heavy rain. Therefore, before work is stopped, a positive gradient away from the tops of slopes should be provided to carry the surface runoff away from the slopes to areas where erosion can be controlled. It is vital that no completed slope be left standing through a winter season without erosion control measures having been provided. • Because the existing bedrock is relatively nutrient-poor, it may be difficult for vegetation to become properly established, resulting in a potential for slope erosion. Revegetation of graded slopes can be aided by retaining the organic-rich strippings and spreading these materials in a thin layer (approximately 6 inches thick) on the graded slopes prior to the winter rains and following rough grading. When utilizing this method, it is sometimes possible to minimize hydroseeding. 				
<i>Greenhouse Gases – no mitigation required</i>					
<i>Hazards and Hazardous Materials</i>					
Impact Haz-2: Risk Exposure/Hazardous Materials. Screening-level (composite) soil samples and analysis identified the possibility of motor oil and/or chromium at	Haz-2: Additional Soil Analysis. Prior to the final map, the applicant shall conduct additional analyses of the suspect fill material located at the northeastern property corner. If motor oil is present in concentrations in excess of 100 ppm and/or chromium is present above hazardous levels, the contaminated material shall be appropriately removed and disposed of or appropriate on-site remediation be completed per recommendations of a certified expert.	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	PW Engineering

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	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
concentrations that could be above action threshold levels.					
Hydrology and Water Quality					
Impact Hydro-1: Construction-Period Erosion and Siltation. Construction of the proposed Project would involve grading activities that would disturb soils at the site.	Mitigation Measure Geo-2, which requires implementation of a construction-period stormwater pollution prevention plan including Best Management Practices for preventing construction-period stormwater pollution through soil stabilization, sediment control, wind erosion control, soil tracking control, non-storm water management, and waste management and materials pollution control, would also mitigate Impact Hydro-1.	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	PW Engineering
Impact Hydro-2: Post-Construction-Period Water Quality. Construction of the Project could result in increased discharge of pollutants in downstream receiving waters by affecting storm runoff quality after completion.	Hydro-2: Post-Construction Stormwater Management Plan. The Project applicant shall implement a Final Stormwater Management Plan approved by the City of Napa prior to issuance of a Final Grading Permit. The SWMP shall demonstrate that post-construction stormwater discharges will be treated to the Maximum Extent Practicable with BMPs prior to release into downstream receiving waters in accordance with applicable NCSPPP standards. The Final Stormwater Management plan shall be prepared in accordance with the City of Napa Phase II NPDES General Permit, Phase II.	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	PW Engineering
Impact Hydro-3: Altered Streambed and Runoff. The Project will modify the collection of rainfall runoff across the site by the creation impervious surfaces, streets, and a storm drain collections system, including a	Hydro-3: Final Drainage Report. The Project applicant shall implement a Final Drainage Plan approved by the City of Napa prior to issuance of a Final Grading Permit. The Final Drainage Report shall demonstrate that post-Project discharges shall be reduced to pre-Project conditions at Project storm drain outfalls. The Final Drainage report shall also document that the volume of rainfall runoff from the Project shall not significantly reduce rainfall runoff to downstream watercourses. The Final Drainage Report shall also ensure that significant impoundment of rainfall runoff would not occur and shall include appropriate mitigation measures such as lining of the proposed southerly detention pond with an impermeable liner if geotechnical	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	PW Engineering

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	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
series of detention ponds which would detain stormwater before slowly releasing it into downstream receiving waters during rainfall events through a metering standpipe.	conditions exist where significant retention and infiltration of on-site rainfall runoff may occur.				
<i>Land Use, Population, and Housing – no mitigation required</i>					
<i>Mineral Resources – no mitigation required</i>					
<i>Noise – no mitigation required</i>					
<i>Public Services – no mitigation required</i>					
<i>Public Utilities – no mitigation required</i>					
<i>Transportation and Circulation</i>					
Impact Traf-4: Create New Pedestrian System Deficiencies. Pedestrian crossing facilities (i.e. curb ramps with truncated domes) are absent from the proposed plan at a number of locations required by the Americans with Disabilities Act (ADA).	Traf-4: Pedestrian Curb Ramps. The approved site plan shall specify and the roadways be constructed to include pedestrian curb ramps at all on-site crosswalks as defined by California Vehicle Code Section 275.	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	PW Engineering
Impact Traf-6: Inadequate Number of and Grade/Location of Emergency Vehicle Access Routes.	Traf-6: Fire Plan. The Project shall implement a Fire Plan subject to approval by the Fire Department. Per the Fire Marshal, in lieu of providing a second point of access that meets Public Works specifications, the Project may develop a Fire Plan with shelter-in-place and defensible space allowances subject to approval by the City Fire Department, whilst retaining the second point of access as proposed. The Fire Plan must ensure adequate maintenance of the	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	PW Engineering and Fire Department

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	Mitigation Measure	Action	Implementing Party	Timing	Monitoring Party
	internal roadways to ensure that they are drivable in case of wildland fire, which would require aggressive vegetation management requirements in perpetuity. The Fire Plan must also ensure that defensible space is maintained around each home.				
Impact Traf-7: Inadequate Sight Distance. Creating a new access point onto Old Sonoma Road with inadequate sight distance could increase the potential for collisions at this intersection. The sight distance of eastbound traffic for drivers exiting the Project site could be inadequate under proposed conditions.	Traf-7: Installation of a Roundabout on Old Sonoma Road. The applicant shall coordinate with the City to install a roundabout meeting City design requirement at the intersection of Old Sonoma Road and the proposed site entrance. Because roundabouts reduce speeds and provide control for all traffic movements, sight distances for roundabouts are based on the shorter stopping sight distance, rather than corner sight distance. Sight lines for a roundabout on Old Sonoma Road at that location are well in excess of 360 feet and would meet applicable stopping sight distance standards without the need for foliage removal along Old Sonoma Road.	Require all mitigation plans be included in improvement plans/construction contracts.	Applicant	In conjunction with the review and approval of Improvement Plans and Final Map	PW Engineering

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MONITORING & REPORTING PLAN FOR CITY OF NAPA STANDARD MITIGATION MEASURES*

MITIGATION MEASURE	METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
I. AESTHETICS				
1. All new lighting on private property shall be designed to eliminate direct light spilling onto adjacent residential properties.	(a) City shall review and approve lighting plan prior to issuance of Building Permit. (b) City shall inspect installation.	Planning Public Works (Eng)	(a) Building Permit Issuance (b) Project Constr.	
2. Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.	(a) City shall review and approve lighting plan prior to issuance of Building Permit. (b) City shall inspect installation.	Planning Public Works (Eng)	(a) Building Permit Issuance (b) Project Constr.	
3. All new utilities shall be placed underground.	(a) City shall review and approve plans prior to issuance of a Building Permit. (b) City shall inspect installation.	Public Works (Eng), Building Public Works (Eng)	(a) Building Permit Issuance (b) Project Constr.	
4. The Developer shall comply with the following: (a) Submit to and receive approval by the Planning Department of a Landscape and Irrigation Plan	(a) City shall review and approve plan.	Planning	(a) Final/Parcel Map approval;	

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MITIGATION MEASURE	METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
<p>designed and signed by a licensed landscape architect or landscape contractor prior to the issuance of a Building Permit, commencement of use, or approval of a Final or Parcel Map. The plan shall conform to the City of Napa's Water Efficient Landscape Guidelines. A final fencing and lighting plan may be included or submitted separately. A substitution of an alternate licensed professional may be allowed by the Planning Director upon a showing of good cause.</p> <p>(b) Prior to occupancy, the Developer shall execute and record the City's Landscape Maintenance Agreement.</p>	<p>(b) Developer shall submit required agreement prior to occupancy.</p>	<p>Planning</p>	<p>Issuance of Building Permit, whichever comes first.</p> <p>(b) Cert. of Occupancy</p>	
<p>5. The Developer shall secure separate architectural review approval for any signage for the project.</p>	<p>City shall inspect for compliance.</p>	<p>Planning</p>	<p>Cert. of Occupancy</p>	
<p>6. For properties zoned with the overlay: HS District, all grading and construction activities or modifications of the natural site features on the property including any resulting lots shall be subject to separate final design review to ensure compliance with the Hillside Development Guidelines, to limit grading and to allow the retention of existing trees and other natural features. Accurate topographical and tree location information as well as complete grading, construction or other action plans shall be presented for review.</p>	<p>(a) Developer shall receive Final Design Review approval prior to issuance of any Building Permit</p> <p>(b) Developer shall record with the County Recorder a Notice and Covenant of Property Restrictions</p>	<p>Planning</p> <p>Planning</p>	<p>(a) Building Permit issuance</p> <p>(b) Parcel/Final Map approval or issuance of Building Permit, whichever occurs first</p>	

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II. AGRICULTURAL RESOURCES				
None.				
III. AIR QUALITY				
1.	Grading and construction equipment shall be shut down when not in use.	City shall inspect construction activities.	Public Works (Eng)	Project Constr.
2.	Construction activities shall not occur during windy periods.	City shall inspect construction activities.	Public Works (Eng)	Project Constr.
3.	Exposed soil surfaces shall be periodically sprinkled to retard dust; no city water shall be used for this purpose.	City shall inspect construction activities.	Public Works (Eng)	Project Constr.
IV. BIOLOGICAL RESOURCES				
None				
V. 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	(a) City shall inspect construction activities.	Public Works (Eng) Public Works (Eng)	(a) Final/Parcel Map approval or Building Permit issuance, whichever comes first

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	commencing work in the vicinity of the archeological finds.	(b) City shall approve archeologist's report and require mitigation.		(b) Project Constr.	
2.	During non-working hours, open trenches shall be provided with signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	
3.	All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.	City shall inspect restoration prior to release of security.	Public Works (Eng)	Release of Security	
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.	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	
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 Ordinance 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.	Developer shall submit required fee with application.	Building	Building Permit Issuance or Cert. of Occupancy/final inspection as applicable.	
VI. GEOLOGY AND SOILS					

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<p>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).</p>	<p>(a) City shall review and approve grading and drainage plan prior to issuance of Building Permit</p> <p>(b) City shall inspect construction activities.</p>	<p>Public Works (Eng)</p> <p>Public Works (Eng)</p>		
<p>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.</p>	<p>(a) City shall review and approve plans prior to issuance of Building Permit.</p> <p>(b) City shall inspect construction.</p>	<p>Building</p> <p>Building</p>	<p>(a) Building Permit Issuance</p> <p>(b) Project Constr.</p>	
<p>3. 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 such grading and excavation shall be performed except in accordance with the approved plan and schedule.</p>	<p>(a) City shall review and approve erosion control plan and implementation schedule.</p> <p>(b) City shall inspect grading and excavation.</p>	<p>Public Works (Eng)</p> <p>Public Works (Eng)</p>	<p>(a) Submittal of first improvement plans</p> <p>(b) Project Constr.</p>	
<p>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.</p>	<p>City shall inspect.</p>	<p>Public Works (Eng)</p>	<p>Project Constr.</p>	
<p>VII. HAZARDS AND HAZARDOUS MATERIALS</p>				
<p>None</p>				
<p>VIII. HYDROLOGY AND WATER QUALITY</p>				

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<p>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 's Standard Specifications to the Public Works Department for its approval. All construction work shall be in accordance with the approved plans.</p>	<p>(a) City shall review and approve plan. (b) City shall inspect construction.</p>	<p>Public Works (Eng) Public Works (Eng)</p>	<p>(a) Building Permit Issuance (b) Project Constr.</p>	
<p>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.</p>	<p>(a) City shall review certifications prior to approval of any Final Map. (b) City shall review certifications prior to occupancy.</p>	<p>Public Works (Eng) Building</p>	<p>(a) Final Map Approval (b) Cert. of Occupancy</p>	
<p>3. 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.</p>	<p>City shall inspect for compliance.</p>	<p>Public Works (Eng)</p>	<p>Cert. of Occupancy</p>	
<p>4. 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</p>	<p>Developer shall submit copy of Notice of Intent and Developer's Storm Water Pollution Prevention Plan prepared in accordance with the SWRCB requirements prior to issuance of grading</p>	<p>Public Works (BUD)</p>	<p>Grading Permit Issuance</p>	

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	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.	permit or any construction activity.			
5.	Developer shall ensure that no construction materials (e.g., cleaning fresh concrete from equipment) are conveyed into the storm drain system.	City shall inspect construction activities.	Public Works	Project Constr.	
6.	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.	City shall inspect for compliance.	Public Works	Project Constr.	
7.	The Developer of an industrial facility shall file a Notice of Intent in accordance with the State General Permit for Industrial Activities with the State Water Resources Control Board prior to establishment of the use.	Developer shall submit a conformed copy of the Notice of Intent prior to issuance of Building Permit or establishment of use.	Public Works	Building Permit Issuance	
8.	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.	(a) Developer shall submit copies of all required permits to City prior to issuance of Building Permit.	Public Works	(a) Building Permit Issuance	

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	(b) City shall inspect construction activities.	Public Works (Eng)	(b) Project Constr.	
9. 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.	City shall review and approve plans and schedules.	Public Works; Planning	Final clearance of Building Permit or installation of improvements	
10. 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.	<p>(a) City shall review and approve all improvement plans</p> <p>(b) Plan requirements shall be incorporated into any improvement agreements for the project</p> <p>(c) City shall inspect construction</p> <p>(d) In the event ongoing mitigation is part of the approved plan, Developer shall either execute a monitoring compliance agreement satisfactory to the City or provide for long term compliance with the approved SWPMP via an owners association and CCR's satisfactory to City, with the City as third party beneficiary with the right to enforce the obligations</p>	<p>Public Works (BUD)</p> <p>Public Works (BUD)</p> <p>Public Works (BUD)</p> <p>Public Works (BUD)</p>	<p>Parcel/final map approval or issuance of a building, whichever occurs first</p> <p>Parcel/final map approval or issuance of a building, whichever occurs first</p> <p>Project construction</p> <p>Parcel/final map approval or issuance of a building permit, whichever occurs first</p>	

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<p>11. 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</p>	<p>(a) City shall review and approve all improvement plans</p> <p>(b) City shall inspect construction</p>	<p>Public Works (BUD)</p> <p>Public Works (BUD)</p>	<p>Parcel/final map approval or issuance of a building permit, whichever occurs first</p> <p>Cert. of Occupancy</p>	
<p>12. 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.</p>	<p>(a) City shall review and approve plan including documents necessary to ensure obligations will run with the land</p> <p>(b) Developer shall record documents</p>	<p>Public Works (BUD) City Attorney</p> <p>Public Works (BUD)</p>	<p>Parcel/final map approval or issuance of a building permit, whichever occurs first</p> <p>Issuance of a building permit</p>	
<p>IX. LAND USE AND PLANNING</p>				
<p>1. Developer shall comply with all requirements of federal, state, and local laws and regulations applicable to project construction and issuance of Building Permits.</p>	<p>(a) Developer shall submit plans to City and other affected agencies for review and approval; Developer shall pay all required fees.</p> <p>(b) City shall inspect construction.</p>	<p>Building</p> <p>Building</p>	<p>(a) Building Permit Issuance</p> <p>(b) Project Construction</p>	

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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 startup of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials or equipment prior to 7:30 a.m. or 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.	(a) Developer shall post on-site notice of times for construction. (b) City shall inspect for compliance.	Public Works (Eng) Public Works (Eng)	(b) Project Constr.	
2.	Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.	City shall inspect construction equipment.	Public Works (Eng)	Project Constr.	
3.	Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.	City inspects location of equipment.	Public Works (Eng)	Project Constr.	
4.	Grading and construction equipment shall be shut down when not in use.	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	
XII. POPULATION AND HOUSING					
None.					
XIII. PUBLIC SERVICES					

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1.	Developer shall comply with all applicable requirements of the Uniform Fire Code and the City of Napa Fire and Public Works Standard Specifications 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.	City shall review and approve plans prior to issuance of a Building Permit.	Fire Prev.	Building Permit Issuance	
2.	Properties having common ownership shall provide the Fire Department with a notarized copy of the recorded conditions, covenants, and restrictions agreement in a form satisfactory to the City Attorney ensuring that all components of fire protection systems), and fire access roads will be maintained by a maintenance district, owner's association, or similar legally responsible entity.	Developer shall submit CC&R's to City prior to approval of the Final/Parcel Map.	Fire Prev.	Final/Parcel Map Approval	
3a.	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.	(a.1) City shall review & approve plans prior to issuance of Building Permit.	Fire Prev.	(a.1) Building Permit Issuance	
		(a.2) City shall inspect construction.	Fire Prev.	(a.2) Project Constr.	
3b.	Existing habitable buildings, which are retained, shall be retrofitted.	(b) City shall inspect construction.	Fire Prev.	(b) Building Permit Issuance,	

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<p>4. 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.</p>	<p>(a) Developer shall submit written report prior to occupancy clearance.</p> <p>(b) Applicant shall receive any required permits prior to occupancy.</p>	<p>Fire Prev.</p> <p>Fire Prev.</p>	<p>(a) Cert. of Occupancy</p> <p>(b) Cert. of Occupancy</p>	
<p>5. The Developer of any project which proposes commercial occupancies shall secure approval from Fire Prevention and Building Departments prior to signing lease agreements and allowing occupancy of prospective occupants that pose possible fire and life safety hazards, or are classified, or are classified by the Uniform Building Code as an H (hazardous) occupancy.</p> <p>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.</p>	<p>Developer shall secure approval prior to signing lease agreements and allowing occupancy.</p>	<p>Fire Prev., Building</p>	<p>Prior to Occupancy/Cert. of Occupancy</p>	
<p>6. 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</p>	<p>Developer shall submit required fee with application for permit.</p>	<p>Building</p>	<p>Building Permit Issuance or Cert. of Occupancy/final</p>	

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payable at the rate in effect at the time of payment for the unit involved.			inspection, as applicable	
XIV. RECREATION				
1. 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.	Developer shall submit the required fees with application for permit.	Building	Building Permit Issuance	
2. 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. Unless waived the Public Works Director, street improvements shall include curb, gutter, sidewalks, planters, street lights, street trees, etc., any necessary right-of-way widening shall be dedicated to the City to accommodate these improvements.	Developer shall pay the required fees prior to Final/Parcel Map, Building Permit, Cert. of Occupancy.	Building	Final/Parcel Map approval, Building Permit Issuance, Cert. of Occupancy/final inspection as applicable for type of project	
XV. TRANSPORTATION/TRAFFIC				
1. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the PWD Standard Specifications.	(a) City shall review and approve plans and dedications prior to approval of Final or Parcel Map or issuance of a Building Permit, whichever comes first.	Public Works (Eng)	(a) Final/Parcel Map approval or Building Permit issuance,	

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<p>Unless waived the Public Works Director, street improvements shall include curb, gutter, sidewalks, planters, street lights, street trees, etc., any necessary right-of-way widening shall be dedicated to the City to accommodate these improvements.</p>	<p>(b) City shall inspect construction.</p>	<p>Public Works (Eng)</p>	<p>whichever comes first (b) Project Constr.</p>	
<p>2. During non-working hours, open trenches shall be provided with signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.</p>	<p>City shall inspect for compliance.</p>	<p>Public Works (Eng)</p>	<p>Project Constr.</p>	
<p>3. All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.</p>	<p>City shall inspect restoration prior to release of security.</p>	<p>Public Works {Eng)</p>	<p>Project Constr.</p>	
<p>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.</p>	<p>City shall inspect for compliance.</p>	<p>Public Works (Eng)</p>	<p>Project Constr.</p>	
<p>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 Ordinance, 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.</p>	<p>Developer shall submit required fee with application.</p>	<p>Building</p>	<p>Building Permit Issuance or Cert. of Occupancy/final inspection as applicable.</p>	

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XVI. 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.	(a) Developer shall call USA prior to construction. (b) City shall inspect construction works in public right-of-way.	Public Works (Eng) Public Works (Eng)	(a) Project Constr. (b) Project Constr.	
2.	Water and energy conservation measures shall be incorporated into project design and construction in accordance with applicable codes and ordinances.	(a) City shall review and approve plans prior to issuance of a Building Permit. (b) City shall inspect for compliance.	Building Building	(a) Building Permit Issuance (b) Cert. of Occupancy	
3a.	The project shall be connected to the Napa Sanitation District for sanitary sewer service.	(a1) Sanitation District shall provide written clearance prior to issuance of Building Permit.	Building	(a1) Building Permit Issuance	
3b.	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.	(a2) Sanitation District shall provide written clearance prior to issuance of Cert. of Occupancy. (b) The Dept. of Environmental Health shall provide written clearance prior to issuance of Cert. of Occupancy.	Building Building	(a2) Cert. of Occupancy (b) Cert. of Occupancy	
4a.	The project shall be connected to the City of Napa water system.	(a) City shall inspect for compliance.	Public Works (Water)	(a) Cert. of Occupancy	

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<p>4b. 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.</p>	<p>(b) Developer shall submit a copy of the permit to City prior to issuance of Cert. of Occupancy or City will inspect for installation of approved backflow device.</p>	<p>Public Works (Water)</p>	<p>(b) Cert. of Occupancy</p>	
<p>5. The project shall be designed and built in accordance with the City of Napa Public Works Department Standard Specifications regarding the adequate conveyance of storm waters.</p>	<p>(a) City shall review and approve all plans and specifications and inspect construction. (b) City shall inspect construction.</p>	<p>Public Works (Eng) Public Works (Eng)</p>	<p>(a) Final/Parcel Map Approval or Bldg. permit Issuance, whichever comes first. (b) Project Constr.</p>	
<p>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.</p>	<p>City shall inspect for compliance.</p>	<p>Building</p>	<p>Cert. of Occupancy</p>	
<p>7. All shower heads shall be of a design to limit the maximum flow to two and one-half (2.5) gallons per minute.</p>	<p>City shall inspect for compliance.</p>	<p>Building</p>	<p>Cert. of Occupancy</p>	

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<p>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.</p>	<p>Developer shall submit Cert. of Compliance and City shall inspect for compliance.</p>	<p>Public Works (Water)</p>	<p>Cert. of Occupancy</p>	
<p>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.</p>	<p>(a) Developer shall submit a statement indicating how waste will be handled prior to issuance of a Building Permit.</p> <p>(b) Developer shall submit copy of receipts from landfill or the franchised garbage hauler.</p>	<p>Public Works (Eng)</p> <p>Public Works (Eng)</p>	<p>(a) Building Permit Issuance</p> <p>(b) Project Constr.</p>	
<p>10a. Developer shall provide for the source separation of wood waste for recycling.</p> <p>10b. 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.</p>	<p>(a) City shall inspect for compliance.</p> <p>(b1) Developer shall submit a statement indicating how wood waste will be handled prior to issuance of a Building Permit.</p> <p>(b2) A developer shall submit a copy of receipts from landfill or the franchised garbage hauler.</p>	<p>Public Works (Eng)</p> <p>Public Works (Eng)</p> <p>Public Works (Eng)</p>	<p>(a) Project Constr.</p> <p>(b1) Building Permit Issuance</p> <p>(b2) Project Constr.</p>	
<p>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.</p>	<p>(a) Developer shall receive plan approval prior to issuance of Building Permit.</p>	<p>Planning</p>	<p>(a) Building Permit Issuance</p>	

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	(b) Developer shall file period reports.	Public Works (Eng)	(b) As per schedule in approved plan	
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.	(a) City shall review and approve plans prior to permit approval. (b) City inspects for compliance.	Planning Planning	(a) Building Permit issuance (b) Cert. of Occupancy	

*Whenever implementation of a mitigation measure requires approval or compliance prior to issuance of a Building Permit, that implementation shall be read as requiring approval or compliance prior to the commencement of a use in the event a Building Permit will not be required.

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