

# ATTACHMENT 1

## RESOLUTION R2020-\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT/FINDING OF NO SIGNIFICANT IMPACT FOR THE VALLE VERDE AND HERITAGE HOUSE CONTINUUM OF HOUSING PROJECT (3700, 3710 & 3720 Valle Verde Drive), ADOPTING FINDINGS OF FACT, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, on July 25, 2017 the Gasser Foundation submitted an application (PL17-0114) for a Use Permit to authorize redevelopment of the vacant Sunrise Senior Living Facility into 66-single room occupancy (SROs); a Design Review Permit for the remodel of the Sunrise Senior Living Facility to accommodate the SROs (Heritage House) and a Design Review Permit to construct a new three-story multi-family apartment building with 24-affordable units (Valle Verde); a request to abandon a portion of the terminus of Valle Verde Drive, and a Lot Line Adjustment/Lot Merger to combine four parcels into two parcels, located 3700, 3710 & 3720 Valle Verde Drive. (038-170-042, 043 & 046) (collectively, the “Valle Verde and Heritage House Continuum of Housing Project” or the “Project”); and

WHEREAS, the City of Napa caused an Environmental Impact Report, consisting of a Draft EIR/EA, a Final EIR/EA and all the appendices thereto (“EIR/EA”), for the Project to be prepared pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 et seq., and its implementing regulations (the “CEQA Guidelines”), Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Napa CEQA Guidelines; and

WHEREAS, because the Project is a 100 percent affordable housing Project and may be eligible for federal funds, the City of Napa also determined that the Project may be subject to the National Environmental Policy Act and determined to do a joint EIR/Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) (collectively, “Environmental Review”), for the “Project” (State Clearinghouse No. 2018082019; the “EIR/EA”); and

WHEREAS, on August 8, 2018, a Notice of Preparation of a Draft Environmental Impact Report for the Project was posted and mailed to all responsible and affected agencies pursuant to CEQA Guidelines Section 15082; and,

WHEREAS, on August 20, 2018 a Scoping Meeting was noticed and held pursuant to CEQA Guidelines Section 15083; and,

## ATTACHMENT 1

WHEREAS, on July 20, 2019, the City of Napa filed a Notice of Completion of the Draft EIR/EA with the State Office of Planning and Research (“OPR”) which was distributed to reviewing agencies by OPR, from July 20, 2019 to September 5, 2019, and circulated the Draft EIR/EA for review and comment by the public and public agencies having jurisdiction by law with respect to the Project. The Draft EIR/EA is available for public review in the office of the Community Development Department at 1600 First Street in the City of Napa and at <https://www.cityofnapa.org/810/Heritage-House-Valle-Verde-Housing>, was previously distributed to members of City Council, and is attached hereto as Exhibit “A” and is incorporated herein by reference; and

WHEREAS, on August 15, 2019, the Planning Commission held a public hearing on the Draft EIR/EA to solicit public comments; and

WHEREAS, on November 22, 2019, the Final EIR/EA, which incorporates the Draft EIR/EA by reference and contains the written comments submitted within the statutory circulation period for the Draft EIR/EA, and the written responses to those comments, was published and circulated to commenting agencies and responding persons. The Final EIR/EA is available for public review in the office of the Community Development Department, was previously distributed to members of City Council, and is attached hereto as Exhibit “B” and incorporated herein by reference; and

WHEREAS, on December 5, 2019, the Planning Commission considered the EIR/EA (including the Draft EIR/EA and the Final EIR/EA), and the Use Permit, Design Review Permits and all written and oral testimony submitted to the City at a noticed public hearing on the EIR/EA, Use Permit and Design Review Permits, at which time the Planning Commission heard a presentation by staff and took public testimony, and thereafter closed the public hearing where they subsequently recommended that the City Council approve the Use Permit, Design Review Permits, and three requested Density Bonus Concessions; and

WHEREAS, on February 4, 2020 the City Council of the City of Napa held a public hearing on the EIR/EA (including the Draft EIR/EA and the Final EIR/EA), Use Permit, Design Review Permits, request to abandon Valle Verde Drive, and requested Density Bonus Concessions and received the recommendation of the Planning Commission, received a presentation by staff, and took public testimony, and thereafter closed the public hearing on the EIR/EA, and considered the adequacy of the EIR/EA, 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:

## ATTACHMENT 1

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/EA was prepared in compliance with the requirements of CEQA. Pursuant to CEQA Guidelines Section 15088.5, and as found in the Final EIR/EA, no new significant information was added to the Draft EIR/EA and therefore, recirculation of the Draft EIR/EA is not required.

3. EIR/EA Reviewed and Considered. The City Council hereby certifies that the EIR/EA has been presented to the City Council; that the City Council has reviewed and considered the information contained in the EIR/EA; that the EIR/EA reflects the independent judgment and analysis 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. Public Resources Code Section 21081 and CEQA Guidelines Section 15091 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 Findings of Fact attached hereto as Exhibit "C" and incorporated herein by reference.

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/EA 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/EA and attached hereto as Exhibit "D" and incorporated herein 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/EA will be implemented.

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

8. Location and Custodian of Documents. The record of the 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.

## ATTACHMENT 1

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/EA for this Project is accurate and adequate. The Council further certifies that the EIR/EA 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.

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 4<sup>th</sup> day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:

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

Attachments:

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

## **EXHIBIT “A”**

DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT

(PREVIOUSLY DISTRIBUTED TO THE CITY COUNCIL,

AND MADE AVAILABLE TO THE PUBLIC FOR REVIEW AT

<https://www.cityofnapa.org/DocumentCenter/View/5657/Heritage-House-Draft-EIR-07-18-19-PDF>

AND THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT,

1600 FIRST STREET, NAPA, CA 94559)

**EXHIBIT “B”**

**FINAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT**

(PREVIOUSLY DISTRIBUTED TO THE CITY COUNCIL,  
AND MADE AVAILABLE TO THE PUBLIC FOR REVIEW AT  
<https://www.cityofnapa.org/810/Heritage-House-Valle-Verde-Housing>  
AND THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT,  
1600 FIRST STREET, NAPA, CA 94559)

**EXHIBIT “C”**

**CEQA FINDINGS OF FACT**

**VALLE VERDE AND HERITAGE HOUSE CONTINUUM OF HOUSING PROJECT**

**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 Valle Verde and Heritage House Continuum of Housing Project (“Project”). These findings have been prepared to comply with requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and its implementing regulations (the “CEQA Guidelines”) (Cal. Code Regs., tit. 14, § 15000 et seq.). These CEQA Findings pertain to the Project and the Environmental Impact Report/Environmental Assessment (“EIR/EA”) prepared for the Project, SCH # 2018082019. The Draft EIR, the Final EIR and all the appendices comprise the “EIR/EA” 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/EA. 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”), and is hereby incorporated by reference in to these CEQA Findings.

**II. TERMINOLOGY OF FINDINGS**

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

1. Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the EIR/EA 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

## ATTACHMENT 1

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 EIR/EA.

(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 Valle Verde and Heritage House Continuum of Housing Project is the subject of an application for Right of Way abandonment of a .039 acre portion of the terminus of Valle Verde Drive, a Lot Line Adjustment to absorb the right of way, and merge three parcels into two parcels, a Use Permit and Design Review Permit to remodel an existing former Sunrise Senior Assisted Living building to allow a 66-unit single room occupancy (SROs), including eight-one bedroom accessible units (Heritage House) and Design Review Permit for construction of a new 24-unit apartment complex (Valle Verde apartments) on a 2.88 acre property located at 3700, 3710 & 3720 Valle Verde Drive (APNs 038-170-042, 043 & 046).

Consistent with State Density Bonus Law (Government Code 65915) affordable housing projects are allowed to request concessions or incentives. The Project has applied for three concessions:

- Increase in the maximum size of eight-SRO units from 450 square feet to 650 square feet to provide American Disability Act (ADA) accessible units;



## ATTACHMENT 1

- Increase in the distance identified in the City of Napa's Municipal Code for SRO projects to public transit from 1,200 feet to 1,560 feet. It should be noted that the state standard is 1,500 feet, so this concession would only be a reduction of 60 feet from the state standard; and
- Exemption from the covered parking requirement for the Valle Verde Project due to underground utility and easement constraints. Normally 24 covered parking spaces would be required.

### 2. PROJECT BACKGROUND

The Project site was the subject of a previous application. On May 15, 2012, the Napa City Council approved Resolution R2012 66, adopting a Mitigated Negative Declaration (MND) and Resolution R2012 67, approving an intention to abandon a portion of the Valle Verde Drive right-of-way, a lot line adjustment and Design Review Permit for the 57-unit Napa Creekside Apartments. Prior to the end of the 30-day statute of limitations on court challenges to the approval under the California Environmental Quality Act (CEQA), the adequacy of the MND was challenged in court.

On April 11, 2013 the Napa County Superior Court's Peremptory Writ of Mandate set aside the City Council's approval of the Project based on an inadequate analysis of the Project's potential biological impacts on Salvador Creek. The Court found a deficiency in the City of Napa's original Initial Study/Mitigated Negative Declaration (IS/MND) for the Project and ordered preparation of a revised CEQA document to address the MND's inadequacies "regarding the presence of and potential Project impacts on threatened, endangered, or protected fish species or their habitat in or adjacent to Salvador Creek adjacent to the Project" from proposed deconstruction of a portion of an existing bridge over Salvador Creek and from construction and operation of a 57-unit apartment project adjacent to the creek.

The Project that is the subject of these CEQA Findings is a new application by a different applicant and includes the preparation of a full environmental impact report (EIR/EA).

### 3. PROJECT SITE

The Project site totals 2.88 acres (within three existing parcels and a portion of City-owned right of way, which the Applicant is requesting the City to abandon) that are located at the terminus of Valle Verde Drive, southeast of Firefly Lane. According to the Applicant, the Sunrise building has been vacant for the past 15 years. A vacant single-family house with ancillary out buildings located on the northern end of the site was previously removed. The site contains several mature trees along the eastern property line within the riparian setback of the Salvador Channel.

The site is bordered by a three-story multi-family residential development to the west, Salvador Channel and single-family residences across the channel to the east, the Shelter Creek residential condominium development to the south, and City of Napa-owned property that functions as storm water detention area and open space/trail to the north.

### 4. EXISTING LAND USE DESIGNATIONS AND ZONING

The Site is designated *Multi-Family Residential* (MFR-33H) in the City of Napa General Plan (Envision Napa 2020, adopted in 1998), which is intended to develop or redevelop into a high intensity predominantly attached residential development pattern. Allowable uses include multi-family units, attached and detached single family, SRO facilities, live-work housing, and similar compatible uses such as day care and larger group quarters (e.g., residential facilities and nursing homes).

The Site is also located within the Vintage Planning Area. The MFR-33H designation allows for a minimum of 18.5 dwelling units per acre and up to 25 dwelling units per acre. However, for SROs, the City's Zoning Ordinance provides that a factor of two shall be applied to the permitted General Plan density range. Therefore, the MFR-33H designation allows for a density range of 37 to 50 SRO units per acre. On the 1.6-acre Heritage House Site, between 59 to 80 SRO units are allowed within this density range. The Project includes 66 SRO units on the Heritage House Site, including eight one-bedroom units. Therefore, the proposed Heritage House is consistent with the permitted density range for SRO projects.

The Valle Verde Site is 1.3 acres, which allows for a permitted density of 23 to 33 units. The Project proposes 24 multifamily units on the Valle Verde Site, which is within the allowed density range. Therefore, both the Valle Verde Apartments and the Heritage House would be consistent with the General Plan density allowance.

The state mandated City of Napa Housing Element, adopted in 2015 (covering the horizon years of 2015-2023), contains policies to encourage the efficient use of land and to encourage well-designed projects consistent with General Plan densities. This project is consistent with both of these policies, as the proposed development of 90 residential units on the 2.88-acre site is consistent with the General Plan density range. All of the units within the development will be affordable to low and very-low income families.

Further, the Project site is designated in the City's Housing Element as a site to provide 57 100%- low income residential units to meet the City's Regional Housing Needs Allocation (RHNA) obligation (Figure 6.5, page 118 of the Housing Element). The Association of Bay Area Governments (ABAG/MTC) is responsible for developing the RHNA and assigning the region's share of the statewide housing need to the cities and counties within the region. It designates overall need and, within the overall need, housing needs for various income levels in the city.

Recent state planning laws require the City to show how it is meeting its production targets for its share of the RHNA. This Project will allow the City to meet or exceed its targets by providing 90 100% affordable residential units on the site (33 above what is required in the Housing Element for this site).

### 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 100 percent affordable residential community that is consistent with the goals and policies of the land use designations set forth within the City's General Plan and Housing Element. In support of this goal, the Project promotes the following project objectives:

- To provide needed housing affordable to low income households on an infill parcel of approximately 2.9 acres, consistent with the City of Napa's General Plan Housing Element, housing policies, and State law for residents in two modalities: apartments for families; and single room occupancy units for individuals.
- To aid the City of Napa in meeting its RHNA obligation identified by the ABAG/MTC for affordable housing and confirmed by the California Department of Housing and Community Development (HCD).
- To develop a project consistent with the City and Napa County's Housing First policy to address the needs of Napa's homeless and vulnerable populations, which includes seniors, those with disabilities, veterans, and at-risk families and individuals.
- To redevelop and retrofit an existing dilapidated structure to accommodate the Heritage House as an affordable housing project, including permanent supportive housing with on-site supportive services.
- To construct a new apartment complex with rents affordable to lower income families
- To support the goals of the non-profit Applicants (the Gasser Foundation and Burbank Housing) to provide permanent housing for all Napa residents, which is a fundamental community need and the foundation for a healthy and vibrant community.

### 6. PROJECT PHASING

Construction of the Project involves site preparation and grading. The applicant has advised the City of its intention to complete demolition and earth moving for the entire site up front, with the rehabilitation of Heritage House in the first phase. Because of uncertainty in the schedule, construction period assumptions were utilized from the air emissions model based upon Project specifics, which were considered conservative. Demolition, grading and paving would occur over the first 8 months, with building construction and coating occurring over the next approximately 5 years.

### 7. REQUIRED DISCRETIONARY ACTIONS

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

## ATTACHMENT 1

- If the City intends to approve the Project, it must first certify that the EIR/EA was completed in compliance with the requirements of CEQA and NEPA, that the decision-making body has reviewed and considered the information in the EIR/EA, and that the EIR/EA reflects the independent judgment of the City of Napa. Approval of the EIR/EA 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 CEQA Section 21081 and CEQA Guidelines Section 15091 ;
- Environmental Impact Report/Environmental Assessment: The Project and the following actions listed below are subject to the preparation and circulation of an EIR/EA consistent with CEQA. Because the Housing Authority of the City of Napa and Burbank Housing will submit a request to the U.S Department of Housing and Urban Development (HUD) for 38 project-based Section 8 vouchers to be utilized for the Heritage House Project for rental assistance, the Project is also subject to the National Environmental Policy Act (NEPA) and therefore a joint EIR/EA has been prepared.
- Right-of-Way: Request to abandon a 0.39-acre City owned public right-of-way, located at the terminus of Valle Verde Drive. This right of way would enlarge the Project site in order to accommodate parking and access.
- Lot Line Adjustment/Lot Merger of three parcels into two parcels. Should the City approve the right-of-way abandonment, the additional land area would be reconfigured to accommodate the Project, and each building would be on a separate parcel but would share access and parking.
- A Use Permit: The Heritage House portion of the Project proposes to rehabilitate the vacant Sunrise Napa Assisted Living Facility which previously contained 74 bedrooms, with 66 single room occupancy (SRO) units. According to the Napa Municipal Code, SRO units are small residential units (i.e., studio apartments), with no more than two occupants in each unit, which have limited cooking facilities. Small kitchens and bathrooms will be provided in each unit. The Applicant is requesting a development concession under Density Bonus Law to increase the maximum SRO size to allow eight of the units to be larger than normally required, to meet the clearance requirements for disability accessible units consistent with the Americans with Disability Act (ADA). Thirty-three of the 66 SRO units would be operated as permanent supportive housing with on-site supportive services, and property management (Heritage House). The remaining 33 units would be operated as affordable rental units occupied by income-eligible tenants who do not require supportive services. Heritage House would implement a management plan and have day and night on-site property management.
- Design Review for Heritage House: The Project would convert a vacant former assisted living facility to an SRO. Room sizes would range from 215-605 square feet; and

## ATTACHMENT 1

- Design Review for Valle Verde: A new three-story multi-family apartment building would be constructed with 24 affordable units (12-one-bedroom, six- two bedroom and six- three-bedroom apartments) adjacent to the Heritage House
- Affordable Housing Concessions: Consistent with State Density Bonus Law (Government Code 65915) affordable housing projects are allowed to request concessions or incentives which allow variations from normally applicable zoning requirements. The Applicants are requesting three concessions:
  - Increase in the maximum size of eight-SRO units from 450 square feet to 605 square feet to one-bedroom sized units to provide Americans with Disabilities Act (ADA) accessible units;
  - Increase in the distance identified in the City of Napa's Municipal Code for SRO projects to public transit from 1,200 feet to 1,560 feet. It should be noted that the state standard is 1,500 feet, so this concession would only be a reduction of 60-feet from the state standard; and
  - Exemption from the covered parking requirement for the Valle Verde Project due to underground utility and easement constraints. Normally 24 covered parking spaces would be required.

The Valle Verde apartments and Heritage House Continuum of Housing will be on separate parcels and funded independently but will share access and parking. The applicant is the Gasser Foundation, the buildings would be developed by Burbank Housing, the Heritage House Project would be operated by Abode and the Valle Verde apartments would be operated by Burbank Housing.

The Project site is adjacent to Salvador Creek. A portion of the existing pavement at the rear of the proposed Heritage House site is experiencing some erosion. In order to address the erosion, without impacting the Salvador Creek riparian corridor, the Project proposes to insert a stitch wall (metal plates) below surface, within the existing drive aisle, in two segments, one 85-feet long and the second segment 100-feet long. This stitch wall will stop the erosion along the drive aisle and because it is underground in an existing paved area, would not impact the riparian corridor

The EIR/EA prepared for the Project would be used by responsible agencies and trustee agencies that 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
- Napa County Flood Control and Water Conservation District

**IV. ENVIRONMENTAL REVIEW PROCESS**

1. Pursuant to CEQA and the CEQA Guidelines, 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/EA (DEIR/EA), a Final EIR/EA (FEIR/EA), and all the appendices thereto (collectively, the “EIR/EA”), would be prepared for the Project. The City issued a Notice of Preparation (“NOP”) on August 8, 2018 which was circulated to responsible agencies and interested groups and individuals for review and comment. The City also held a public scoping meeting on August 20, 2018. Concerns raised in response to the NOP were considered during preparation of the DEIR/EA.

2. On July 20, 2019, the City published the DEIR/EA for review by the public, local agencies, state agencies, federal agencies, and other interested parties for a 45-day review period which ended September 5, 2019 to solicit comments on the DEIR/EA. This period satisfied the requirement for the public review period as set forth in CEQA Guidelines Section 15105 of the .

3. The City received 430 written comments during the comment period. Chapter 4 of the FEIR/EA includes written responses to all comments.

4. On November 22, 2019, the City published the FEIR/EA for the Project. The FEIR/EA includes comments received on the DEIR/EA, responses to significant environmental issues raised in the comments, and revisions to the text of the DEIR/EA. Together, the FEIR/EA and the DEIR/EA (as revised by the FEIR/EA) constitute the EIR/EA for the Project.

5. On December 5, 2019, the Planning Commission considered the Final EIR/EA and all written and oral testimony submitted to it at a noticed public hearing on the Use Permit, Design Review Permits and requested development concessions, at which time the Planning Commission heard a presentation by staff and took public testimony, and thereafter closed the public hearing where it subsequently recommended that the City Council approve the Project.

6. On February 4, 2020, the City Council held a public hearing on the EIR/EA 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(e). The record of proceedings for the City’s decision on the Project includes, but is not limited to,

## ATTACHMENT 1

the following documents, which are incorporated by reference and made part of the record supporting these findings:

- a. The Notice of Preparation (NOP) dated August 8, 2018 and all other public notices issued by the City in conjunction with the Project;
- b. The DEIR/EA for the Project and all documents relied upon or incorporated by reference therein;
- c. Notice of Completion (NOC), distributed July 20, 2019, which was published in the local newspaper providing notice that the Draft EIR/EA had been completed and was available for public review and comment through September 5, 2019;
- 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 and minutes of the Planning Commission public hearing;
- h. The City Council staff report, minutes of the City Council public hearing, and all findings and resolutions 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 \_\_\_\_\_, 2020;
- 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;

## ATTACHMENT 1

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 (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 Erin Morris, Planning and Code Enforcement Manager in the Planning Division of the City of Napa's Community Development Department.

## VI. CERTIFICATION OF THE EIR/EA

1. In accordance with CEQA, the CEQA Guidelines and applicable City policies and requirements, the City Council, as lead agency, certifies that the EIR/EA 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/EA 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/EA, as supplemented and modified by the findings contained herein, and certifies that the EIR/EA and these CEQA Findings represent the independent judgment and analysis of the City and the City Council.

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

## VIII. MITIGATION MEASURES 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/EA are enforceable and 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/EA. 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/EA and summarized in these Findings of Fact. These findings do not repeat the full discussions of environmental impacts contained in the EIR/EA. The Council ratifies, adopts and incorporates the analyses, explanations, findings, responses to comments and conclusions of the EIR/EA. Except as specifically set forth herein, the Council adopts the reasoning of the EIR/EA, 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 analyses 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/EA 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/EA 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 Public Resources Code Section 21081 and CEQA Guidelines Section 15091. These less than significant findings are set forth in the EIR/EA. The Council hereby adopts the reasoning of the EIR/EA in finding that these impacts are less than significant.

4. As described in detail in the EIR/EA, 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 Public Resources Code Section 21081(a)(1) and 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/EA, each and 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/EA and incorporated herein by this reference.

## ATTACHMENT 1

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 and every mitigation measure that requires the cooperation or action of another agency, the Council finds that adoption and/or implementation of each and all 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/EA, the Project will not result in any significant impacts.

### **X. FINDINGS REGARDING RECIRCULATION OF THE DEIR/EA**

1. The City Council adopts the following findings with respect to whether to recirculate the EIR/EA. Under CEQA Guidelines Section 15088.5, 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 draft EIR for public review but prior to certification of the final EIR. 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.)

## ATTACHMENT 1

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

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 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” requiring 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 require 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/EA 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

## ATTACHMENT 1

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, may approve the project without resort to an evaluation of the feasibility of various project alternatives contained in the environmental impact report, 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; 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. (b).) 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.

## ATTACHMENT 1

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
- No Project-Existing Plans and Policies
- Reduced Scale
- Bridge Removal
- No Bikeway Improvements

4. The City Council finds that a good faith effort was made to evaluate all potentially feasible alternatives in the EIR/EA 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/EA is not unduly limited or narrow. The City Council also finds that all reasonable alternatives were reviewed, analyzed and discussed in developing the EIR/EA.

5. As described in detail in the EIR/EA, 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/EA. Thus, as a legal matter, the City Council need not consider, in these findings, the feasibility of the various alternatives described in the EIR/EA. 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/EA. Many of the comment letters received raised issues regarding public safety concerns related to the tenants associated with No Place Like Home funds, parking impacts, increase in flooding and erosion on Salvador Creek. The social concerns raised by the public, while worthy of consideration by the City Council in determining whether or not to approve the Project, are not environmental issues required to be addressed in the EIR/EA. Thus, the alternatives developed for the Project address the environmental concerns that could lead to a physical impact on the environment. In many instances, the impacts are virtually identical to the proposed Project and are described as such.

• **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

## ATTACHMENT 1

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 structure on the site would remain and the site would not be cleared or developed. No offsite improvements to the sidewalk would occur and the Valle Verde Right of Way would not be abandoned. This Alternative would not provide housing opportunities for the target resident population as the Project and therefore would not achieve the stated project objectives.

- **No Project-Existing Plans and Policies Alternative.** Under CEQA, the Guidelines (Section 15126.6(e)(3)) specifically advise that a No Project Alternative is “[w]hat would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services.” (CEQA Guidelines, Section 15126.6(e)(2)) Under the No Project/Existing Development Alternative, the existing vacant structure on the site could be reoccupied. The Valle Verde Site could be developed with a range of medium and higher density multifamily apartments. No offsite improvements to the sidewalk would occur and the Valle Verde Right of Way would not be abandoned. This Alternative would not necessarily provide the same housing opportunities for the target resident population as the Project and therefore would not achieve the stated project objectives to the same extent as the Project.

- **Reduced Scale Alternative.** Under this Alternative, the existing building on the Heritage House site would be redeveloped with 66 SRO units (including the 8 accessible one-bedroom units). However, the Valle Verde site would remain vacant/undeveloped. Valle Verde Drive would not be abandoned to accommodate the Project and there would not be a need for a lot line adjustment/merger. The stitch wall would still need to be constructed to minimize bank erosion. While this Alternative would 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 basic Project objectives would not be met since the 24 affordable units would not be constructed, although the objective related to the provision of supportive housing would be achieved.

- **Bridge Removal Alternative:** Under this Alternative, as a condition of Project approval, the City of Napa would require removal of portions of the Zerba Bridge to improve flood conditions, since the bridge acts as an impediment to floodwater flows during large storm events. This Alternative has slightly greater potential impacts because it involves construction activities within the riparian corridor. However, it removes a bridge that no longer provides access and that could be an attractive nuisance and the hydrologic analysis indicates its removal would have a positive impact on flood flows. This Alternative meets the Project Objectives.

- **No Bikeway Improvements Alternative:** Under this Alternative the Project would not complete offsite improvements to expand the existing four-foot sidewalk located west

of the Project site, with an eight-foot multi-use trail. This Alternative would not provide improved connectivity to the neighborhood; however, it would avoid the removal of seven trees.

7. The Council has considered the alternatives to the Project analyzed in Section 6 of the Draft EIR/EA, as revised in the Final EIR/EA, 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/EA’s analysis and conclusions regarding feasibility of alternatives eliminated from further consideration, both during the analysis process and in response to comments. (DEIR/EA, Section 8)

9. The Council certifies that it has independently reviewed and considered the information and analyses on alternatives provided in the EIR/EA and in the record. The EIR/EA and this Section reflect the Council’s independent judgment and analysis 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/EA. 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/EA 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 Valle Verde and Heritage House Continuum of Housing Project. 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;
- b. There are no feasible Project alternatives which would mitigate or substantially lessen the impacts.

**EXHIBIT “D”**

**Mitigation Monitoring and Reporting Program**

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

On February 4, 2020 the City Council certified the Environmental Impact Report/Environmental Assessment (EIR/EA) for the Valle Verde & Heritage House Project. The Final EIR/EA concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were adopted and incorporated into the project or are required as a condition of project approval that avoid or substantially lessen all such effects. This Mitigation Monitoring or Reporting Program addresses those measures in terms of how and when they will be implemented.

The attached table includes columns that show: 1) each mitigation measure identified in the Final EIR/EA as finally adopted; 2) the procedure for implementing each mitigation measure; 3) the City entity responsible and procedure for monitoring and reporting implementation of each mitigation measure; and 4) the timing for implementation of each mitigation measure.

In addition, this Mitigation Monitoring or Reporting Program lists Standard Permit Conditions, which are measures required to comply with laws and regulations, and City Conditions of Approval, for purposes of tracking responsibility for and timing of implementation of each, even though these conditions are not mitigation measures.

This document does *not* discuss those subjects for which the EIR/EA concluded that mitigation measures would not be required to reduce significant impacts.

**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/EA required to address the potentially significant impacts associated with the proposed project. The required mitigation measures are



## ATTACHMENT 1

summarized in this program; the full text of the impact analysis and mitigation measures is presented in the Draft EIR/EA Summary, except as revised in this Final EIR/EA. The mitigation revisions in the Final EIR/EA include revisions to Mitigation Measures Bio-1.2. This revision to the 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/EA 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:

- **Implementing Procedure:** This column presents the mitigation measure identified in the EIR/EA.
- **Timeframe for Implementation:** This column identifies the general schedule for conducting each mitigation task, identifying where appropriate both the timing and the frequency of the action.
- **Agency Responsible for Monitoring:** This column contains an assignment of responsibility for the monitoring and reporting tasks.
- **Actions/Report:** This column identifies reporting procedures and any responsible agency involved in implementation of each mitigation measure.
- **Monitoring Timing or Schedule:** This column identifies when monitoring is due and/or the frequency of monitoring.

### C. Enforcement

If the Project 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.

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<b>Air Quality</b>					
<p><b>MM AIR-3.1:</b> During any construction period ground disturbance, the Applicant shall ensure that the Project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. The contractor shall implement the following best management practices that are required of all projects:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. 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.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> </ol>	<p>Project applicant shall prepare a comprehensive Construction Management Plan to ensure that the air pollution control measures identified in Mitigation Measure AIR-3.1 are incorporated into the construction plans for the project and implemented at the project site. The project applicant will submit periodic audit reports prepared by the construction manager.</p>	<p>During Grading and Construction</p>	<p>City of Napa Public Works Department</p>	<p>Construction Management Plan Review and Approval</p> <p>Review of audit reports submitted</p>	<p>Prior to issuance of any Public Works Clearances</p> <p>Monthly</p>

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>5. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</p> <p>6. 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.</p> <p>7. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</p> <p>8. 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.</p> <p>9. 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</p>					

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>provided for construction workers at all access points.</p> <p>10. 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.</p> <p>11. 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 regulations.</p>					
<b>MM AIR-3.2:</b> The Project shall develop a plan demonstrating that the off-road equipment used on-site to construct the Project would achieve a fleet-wide average 21 percent reduction in particulate matter exhaust emissions or more. One feasible plan to achieve this reduction would include the following:	Project Applicant shall develop a reduction plan sufficient to achieve a fleet-wide average 21 percent reduction in particulate matter exhaust emissions or more.	During grading or construction	City of Napa – Public Works Department	Review/ approve reduction plan	Prior to issuance of any Public Works Clearances

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<ul style="list-style-type: none"> <li>All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters would also meet this requirement. Alternatively, the use of alternatively fueled equipment (i.e., non-diesel) would meet this requirement.</li> </ul>					
Biological Resources					
<p><b>MM BIO-1.1:</b> A survey for active bird nests shall be conducted by a qualified biologist no more than 7 days prior to the start of Project activities (vegetation removal, grading, or other initial ground-disturbing activities) if ground disturbing activities commence during the nesting season (February 1 through August 31). The survey shall be conducted in a sufficient area around the Study Area to identify the location and status of any nests that could potentially be directly or indirectly affected by vegetation removal, or grading activities. Based on the results of the pre-construction breeding bird survey, the following measure shall apply.</p> <ul style="list-style-type: none"> <li>If active nests of protected bird species are found within the Study Area or close enough to the area for construction activity to affect nesting success, the qualified biologist shall establish a work exclusion zone around each active nest. Established exclusion zones shall remain</li> </ul>	<p>Project applicant shall prepare a comprehensive Construction Management Plan to ensure that the measures identified in Mitigation Measure BIO-1.1 are incorporated into the construction plans for the project and implemented at the project site.</p> <p>Pre-construction surveys shall be conducted by a qualified biologist if construction will commence during the nesting season and exclusion zones shall be designated around active nests.</p>	<p>Prior to initiation of grading/ construction activities (including tree removal and pruning)</p>	<p>City of Napa – Planning and Code Enforcement Division</p>	<p>Ensure requirements are incorporated in appropriate plans. Review final report for compliance with mitigation measure</p>	<p>Prior to issuance of any Public Works Clearances</p>

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g. due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors. An exclusion zone radius may be as small as 25 feet (for common, disturbance-adapted species) or as large as 250 feet or more for raptors. The qualified biologist shall determine and establish the appropriate buffer distance in accordance with conditions at the time and shall conduct a check of the nest(s) at the start of construction to determine if the buffers have been appropriately sized. If the buffer is too small, and nesting is being disrupted, a larger buffer will be recommended. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities are not significantly impacting the nest. The qualified biologist shall observe the nest during the first two days of construction to ensure construction activities do not disturb the nest. If nest disturbance is observed, construction shall cease until the qualified biologist establishes a larger work exclusion zone, where feasible. If a larger exclusion zone is not feasible, construction activities causing the disturbance shall be delayed</p>	<p>Submit a report indicating the results of the preconstruction survey and any designated buffer zones to the City of Napa Planning and Code Enforcement Division.</p>				

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
until September 1, or until the nest is no longer active, whichever comes first.					
<p><b>MM BIO-1.2:</b> A qualified bat biologist shall conduct a Bat Habitat Assessment of existing structures, bridge, and trees proposed for removal at least 30 days prior to the start of construction to determine if any trees or structures proposed for removal contain suitable bat roosting habitat (e.g. cavities, crevices, exfoliating bark) or if bats are roosting. If the biologist identifies any trees or structures that contain suitable bat roosting habitat, a two-day phased removal shall be used to minimize potential impacts to bats. This method is outlined below.</p> <ul style="list-style-type: none"> <li>On day 1, under the supervision of a qualified bat biologist, branches and small limbs not containing potential bat roost habitat (e.g. cavities, crevices, exfoliating bark) shall be removed using chainsaws only.</li> <li>On day two, the rest of the tree shall be removed.</li> </ul> <p>All trees shall be removed during seasonal periods of bat activity: prior to maternity season – from approximately March 1 through April 15 or from September 1 until October 15.</p> <p>If no roosts or potential bat roosting substrates are located, then work may proceed without further measure.</p>	<p>Project applicant shall prepare a comprehensive Construction Management Plan to ensure that the measures identified in Mitigation Measure BIO-1.2 are incorporated into the construction plans for the project and implemented at the project site.</p> <p>Pre-construction surveys shall be conducted by a qualified bat biologist and if suitable habitat for bat roosting is present, implement two-day phased removal.</p> <p>Submit a report indicating the results of the preconstruction survey to the City of Napa Planning and Code Enforcement Division.</p>	<p>30 days prior to initiation of grading/ construction activities (including tree removal and pruning)</p> <p>Limit tree removal to March 1 and April 15<sup>th</sup> and/or between September 1 and October 15<sup>th</sup>.</p>	<p>City of Napa – Planning and Code Enforcement Division</p>	<p>Ensure requirements are incorporated in appropriate plans</p> <p>Review final report for compliance with mitigation measure</p>	<p>Prior to issuance of any Public Works Clearances</p>

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p><b>MM BIO-1.3:</b> The following avoidance and minimization measures shall be implemented during bridge removal activities:</p> <ul style="list-style-type: none"> <li>• If feasible, a debris containment device (e.g. net, or tarp) shall be installed prior to work in order to prevent material from entering Salvador Creek.</li> <li>• Riparian vegetation removed within the Study Area shall be the minimum amount needed for work to occur.</li> <li>• The extent of disturbance shall be delineated with construction fencing or other high visibility marker to prevent disturbance to areas below top of bank or outside of the construction footprint.</li> </ul> <p>If any in-water work is required, it shall be restricted to the period between June 1 and October 31.</p>	Project applicant shall prepare a comprehensive Construction Management Plan to ensure that the avoidance and minimization measures identified in Mitigation Measure BIO-1.3 are incorporated into the construction plans for the project and implemented at the project site.	During bridge removal activities	City of Napa – Planning and Code Enforcement Division	<p>Ensure requirements are incorporated in appropriate plans</p> <p>Review final report for compliance with mitigation measure</p>	Prior to issuance of any Public Works Clearances
<p><b>MM BIO-2.1:</b> Prior to initiating any Project activities within these areas, the Applicant shall obtain any required permits for impacts to jurisdictional areas. Permanent impacts to all jurisdictional resources would be compensated at 1:1 replacement ratio, or as required by the USACE, CDFW, and RWQCB.</p>	Project Applicant shall obtain any required permits for impacts to jurisdictional areas.	Prior to initiation of grading/ construction activities	City of Napa – Planning and Code Enforcement Division	Ensure permits are secured for impacts to jurisdictional areas. Ensure agency permit requirements are incorporated into appropriate plans	Prior to issuance of any Public Works Clearances



Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p><b>MM BIO-4.1:</b> The following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>Hours for initial phases of work shall be limited to 30 minutes after sunrise to 30 minutes before sunset in order to avoid causing disturbance when wildlife are most likely to migrate through surrounding habitats.</li> <li>Any lighting used for the Project shall be kept to the minimum necessary to safely operate. Those lights shall also be directed inward toward the Study Area, and not into surrounding habitats.</li> </ul> <p>All work shall occur only within designated work areas.</p>	Project applicant shall prepare a comprehensive Construction Management Plan to ensure that the measures identified in Mitigation Measure BIO-4.1 are incorporated into the construction plans for the project and implemented at the project site.	During Grading and Construction	City of Napa Public Works Department	Construction Management Plan Review and Approval	Prior to issuance of any Public Works Clearances
Cultural Resources					
<p><b>MM CUL-2.1:</b> In the event that buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during any construction activity, work within 50 ft. of the find shall cease until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete. Implementation of this mitigation measure would reduce potential</p>	Project applicant shall prepare a comprehensive Construction Management Plan to ensure that the measures identified in Mitigation Measure CUL-2.1 are incorporated into the construction plans for the project and implemented at the project site.	During Grading and Construction	City of Napa – Planning and Code Enforcement Division	Review and approve recommendations of archaeological assessment	If and when cultural material is found

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
impacts to archaeological resources to a less than significant level.	Project Applicant shall retain a qualified archaeologist in the event cultural materials are found and ensure that the recommendations of the archaeologist are implemented.				
<p><b>MM CUL-3.1: Human Remains:</b> Native American coordination shall follow the protocols established under Assembly Bill 52, State of California Code, and applicable City of Napa procedures. In addition, the following measures shall be implemented with regard to human remains:</p> <p>The treatment of any human remains and associated, or unassociated funerary objects discovered during soil disturbing activities shall comply with applicable state laws. Such treatment would include immediate notification of the Napa County Coroner. In the event of the coroner's determination that the human remains are Native American, the coroner shall notify of the Native American Heritage Commission, which would appoint a Most Likely Descendant (MLD) (PRC § 5097.98). The archaeological consultant, the City of Napa, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines § 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis,</p>	<p>Project applicant shall prepare a comprehensive Construction Management Plan to ensure that the measures identified in Mitigation Measure CUL-3.1 are incorporated into the construction plans for the project and implemented at the project site.</p> <p>If human remains are discovered, the Project Applicant shall notify the Napa County Coroner.</p> <p>Project Applicant shall retain a qualified archaeologist.</p> <p>The archaeological consultant, the City of Napa, and the appointed MLD shall develop an</p>	During Grading and Construction	City of Napa – Planning and Code Enforcement Division	Review agreement	If and when human remains are found

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties could not agree on the reburial method, the Event Authority shall follow Section 5097.98(b) of the PRC, which states that “the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.”	agreement for the treatment of any human remains.  Submit agreement to the City of Napa Planning and Code Enforcement Division.				
Geology and Soils					
<b>MM GEO-2.1:</b> The Project Civil Engineer shall design and implement a site drainage system to collect surface water and direct towards an established storm drainage system. The Civil Engineer shall also design an erosion control plan prior to Project construction, per the current guidelines of the <i>California Stormwater Quality Association's Best Management Practice Handbook</i> (2003).	Project Applicant shall design and implement a site drainage system and erosion control plan.	Prior to initiation of grading/ construction activities	City of Napa – Public Works Department	Review and approve site drainage system and erosion control plan	Prior to issuance of any Public Works Clearances
Tribal Cultural Resources					
<b>MM TCR-1.1</b> The Nation (The Yocha Dehe Wintun Nation) shall have the opportunity to provide tribal monitoring and consultation for the Project during the archaeological investigations and ground disturbing activities related to underground utility trenching and the stitch wall required for the Project. The Nation's monitors may work in collaboration with the archaeologists and Project engineers hired/employed by the Applicant. Applicant shall provide written notice to the Nation ten days in advance of any earth-	Project applicant shall prepare a comprehensive Construction Management Plan to ensure that written notice is provided to the Nation consistent with Mitigation Measure TCR-1.1.	A copy of the signed agreement between the Applicant and The Nation for monitoring shall be submitted to the Planning and Code	City of Napa – Planning and Code Enforcement Division	Coordinate with Native American tribal representatives and ensure measures incorporated into Construction Management Plan	Prior to issuance of any Public Works Clearances

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
disturbing activities related to utility trenching and stitch wall digging. If the Nation fails to respond or fails to provide monitoring and consultation personnel, on the date(s) of the activities, the Contractor may continue with those activities.		Enforcement Manager en ten days prior to receiving a Public Works Clearance			

<p><b>MM TCR-1.2:</b> In the event that Native American human remains are discovered during Project construction activities, and where the Nation has been designated as the Most Likely Descendant (MLD), the following provisions shall be implemented:</p> <ul style="list-style-type: none"> <li>I. The Nation shall be allowed, under California Public Resources Code sections 5097.98 (a) and 21083.2 and State CEQA Guidelines section 15064.5 (e), to: (1) inspect the site of the discovery; and (2) make recommendations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity.</li> <li>II. The Nation shall complete its inspection within twenty-four (24) hours of receiving notification from either the Contractor or the NAHC, as required by California Public Resources Code section 5097.98 (a). The City and the Nation agree to discuss, in good faith, what constitutes “appropriate dignity” as that term is used in the applicable statutes.</li> <li>III. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code sections 5097.98 (a) and (b) and 21083.2 and State CEQA Guidelines section 15064.5 (e).</li> </ul>	<p>Project applicant shall prepare a comprehensive Construction Management Plan to ensure that written notice is provided to the Nation consistent with Mitigation Measure TCR-1.2.</p> <p>If human remains are discovered, the Project Applicant shall notify the Napa County Coroner.</p> <p>Project Applicant shall retain a qualified archaeologist.</p> <p>The archaeological consultant, the City of Napa, and the appointed MLD shall develop an agreement for the treatment of any human remains.</p> <p>Submit agreement to the City of Napa Planning and Code Enforcement Division.</p>	<p>During Grading and subsurface Construction</p>	<p>City of Napa – Planning and Code Enforcement Division</p>	<p>Coordinate with Native American tribal representatives and ensure measures incorporated into Construction Management Plan</p>	<p>If and when human remains are found, and where the Nation has been designated MLD</p>
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Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>IV. The City is aware that the Nation may wish to rebury the human remains and associated ceremonial and cultural items (artifacts) on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. Should the Nation recommend reburial of the human remains and associated ceremonial and cultural items (artifacts) on or near the site of their discovery, the City and Contractor shall make good faith efforts to accommodate the Nation's request.</p> <p>V. The term "human remains" encompasses more than human bones because Yocha Dehe's traditions periodically necessitated the ceremonial burning of human remains, and monitors shall make recommendations for removal of cremations. Grave goods are those artifacts associated with any human remains. These items and the soil, in an area encompassing up to two (2) feet in diameter around the burial, and other funerary remnants and their ashes, are to be treated in the same</p>					

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Mitigation Measure	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
manner as human bone fragments or bones that remain intact.					
<b>MM TCR-1.3:</b> Treatment and Disposition of Cultural Items (Artifacts). Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Nation. Applicant agrees to cause its contractor to return all Native American ceremonial items and items of cultural patrimony that may be found on the Site to the MLD for appropriate treatment, unless Contractor or Applicant is ordered to do otherwise by a court or agency of competent jurisdiction. In addition, the Nation requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations on or adjacent to the Site. Where appropriate (from the perspective of the Nation), and agreed upon in advance by the Nation, certain analyses of certain artifact types will be permitted, which may include, but which may not necessarily be limited to, shell, bone, ceramic, stone and/or other artifacts.	Project applicant shall prepare a comprehensive Construction Management Plan to ensure that written notice is provided to the Nation consistent with Mitigation Measure TCR-1.3.	During Grading and Construction	City of Napa – Planning and Code Enforcement Division	Coordinate with Native American tribal representatives and ensure measures incorporated into Construction Management Plan	If and when Native American cultural items are discovered.

**Source:** City of Napa. *Draft Environmental Impact Report/Environmental Assessment Valle Verde & Heritage House Project*. July 2019.  
 ----. *Final Environmental Impact Report/Environmental Assessment Valle Verde & Heritage House Project*. November 2019.

In addition to the above mitigation measures, the Project shall also implement the following as Conditions of Approval and Standard Permit Conditions:

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<b>Air Quality</b>					
<p>During any construction period ground disturbance, the applicant shall ensure that the Project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:</p> <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>• 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.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</li> <li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</li> </ul>	<p>Project applicant shall prepare a comprehensive Construction Management Plan to ensure that BAAQMD best management practices are incorporated into the construction plans for the project and implemented at the project site. The project applicant will submit periodic audit reports prepared by the construction manager.</p>	<p>During Grading and Construction</p>	<p>City of Napa Public Works Department</p>	<p>Construction Management Plan Review and Approval</p> <p>Review of audit reports submitted</p>	<p>Prior to issuance of any Public Works Clearances</p> <p>Monthly</p>



Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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 regulations.</li> </ul>					
Biological Resources					
<ul style="list-style-type: none"> <li>In order to satisfy the requirements of Chapter 12.45 of the City of Napa Municipal Code, a protected native tree pruning and removal permit application shall be submitted to the</li> </ul>	Project Applicant shall obtain a protected native tree pruning and removal permit	Prior to securing any Public Works Clearances	City of Napa – Parks and Recreation Department	Review/ approve plan	Prior to issuance of any Public Works Clearances

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>City of Napa for any protected native trees. Protected native trees that will be removed or damaged as a result of the Project shall be replaced as required pursuant to Chapter 12.45 and the Big Ranch Specific Plan.</p> <ul style="list-style-type: none"> <li>For each 6 inches or fraction thereof of the protected tree, five trees of the same species as the protected tree (or any other species with approval) and a minimum 15-gallon container or larger size as determined by the Director of Parks and Recreation shall be planted on the Site.</li> <li>If the Site is inadequate in size to accommodate the replacement trees, with the recommendation of the Director of Parks and Recreation, the trees shall be planted on public property. The Director of Parks and Recreation may accept an in-lieu fee, per 15- gallon replacement tree with the moneys to be used for tree-related educational projects and/or planting programs. In-lieu fees shall be set by the City Council resolution and adjusted on an annual basis as necessary and include the cost of planting.</li> <li>Each protected native tree approved for removal shall be replaced within 60 days or at a reasonable time approved by the Director of Parks and Recreation or</li> </ul>					

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>according to the conditions of any discretionary permit allowing removal of a protected native tree.</p> <ul style="list-style-type: none"> <li>• In order to avoid and minimize damage to existing protected native trees which are not proposed for direct impact by Project activities, the following measures shall be implemented during Project construction. <ul style="list-style-type: none"> <li>– All construction activity (grading, filling, paving, landscaping, etc.) should respect the root protection zone (RPZ) around all trees within the vicinity of the Study Area that are to be preserved. The RPZ should be a distance of 1.0 times the dripline radius measured from the trunk of the tree. Exception to this standard could be considered on a case-by-case basis, provided that it is demonstrated that an encroachment into the RPZ will not affect the root system or the health of the tree and is authorized by an ISA-Certified Arborist or comparable specialist.</li> <li>– Temporary protective fencing shall be installed around the dripline of protected native trees prior to commencement of any construction activity conducted within 25 feet of the tree canopy. The fence shall be clearly marked to prevent</li> </ul> </li> </ul>					

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>inadvertent encroachment by heavy machinery.</p> <ul style="list-style-type: none"> <li>- Drainage shall not be allowed to pond around the base of any tree.</li> <li>- An ISA-Certified Arborist or tree specialist shall be retained to perform any necessary pruning of trees during construction activity.</li> <li>- Should any utility lines encroach within the tree protection zone, a single, shared utility conduit shall be used where possible to avoid negative impact to trees.</li> <li>- Roots exposed as a result of construction activities shall be covered with wet burlap to avoid desiccation and should be buried as soon as practicable.</li> <li>- Construction materials or heavy equipment shall not be stored within the RPZ of preserved trees.</li> </ul> <ul style="list-style-type: none"> <li>• Following construction, a protected native tree pruning, and removal permit must be obtained by the property owner, or person authorized by the property owner, from the Director of Parks and Recreation prior to doing any of the following to a protected native tree on private property</li> </ul>					

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<ul style="list-style-type: none"> <li>– Prune any branch or limb of a protected native tree greater than 4 inches in diameter or remove more than 10 percent of any live foliage in any 1-year period;</li> <li>– Cut any root over 2 inches in diameter within the drip line area of a protected native tree;</li> <li>– Change, by more than 2 feet, grade elevations within the drip line area of a protected native tree; or</li> <li>– Place or allow to flow into or over the drip line area of any protected native tree any oil, fuel, concrete mix or other substance that could injure the tree</li> </ul>					

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>1) Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from exposed slopes threatens to enter aquatic natural communities. At no time shall silt laden runoff be allowed to enter Salvador Creek or its riparian corridor or directed to where it may enter these areas. Erosion control structures shall be monitored for effectiveness and repaired or replaced as needed. Appropriate erosion control measures shall be installed around any stockpiles of soil or other materials which could be mobilized by rainfall or runoff.</p> <p>2) No fueling, cleaning, or maintenance of vehicles or equipment shall take place within any areas where an accidental discharge to Salvador Creek may occur.</p> <p>3) All equipment including excavators, trucks, hand tools, etc., that may have come into contact with invasive plants or the seeds of these plants, shall be carefully cleaned before arriving on the site and also carefully cleaned before removal from the site to prevent spread of these plants.</p> <p>4) Construction disturbance or removal of riparian vegetation shall be restricted to the minimum footprint necessary to complete the work. The work area shall be delineated where necessary with construction fencing to</p>	<p>Project applicant shall prepare a comprehensive Construction Management Plan to ensure that erosion control measures are incorporated into the construction plans for the project and implemented at the project site. The project applicant will submit periodic audit reports prepared by the construction manager.</p>	<p>Prior to securing any Public Works Clearances</p>	<p>City of Napa Public Works Department</p>	<p>Construction Management Plan Review and Approval</p> <p>Review of audit reports submitted</p>	<p>Prior to issuance of any Public Works Clearances</p> <p>Monthly</p>

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>minimize impacts to habitat beyond the work limit.</p> <p>5) Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel banks.</p> <p>6) Stationary equipment such as motors, pumps, and generators, located adjacent to aquatic features shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a spill or leak. All activities performed near aquatic features shall have absorbent materials designated for spill containment and cleanup activities onsite for use in an accidental spill.</p> <p>7) Any equipment or vehicles operated adjacent to aquatic features shall be checked and maintained daily to prevent leaks of materials that could be deleterious to wildlife or habitat.</p> <p>8) Stockpiles of soil or other materials that can be blown by wind shall be covered when not in active use. All trucks hauling soil, sand, and other loose materials shall be covered.</p> <p>9) No other debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete or washings thereof, or other construction-related materials or wastes shall be allowed to enter into or be placed where they may be washed</p>					

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>by rainfall or runoff into the aquatic features. All such waste shall be picked-up daily and properly disposed of at an appropriate facility.</p> <p>10) An environmental awareness training program shall be conducted for all crews working on the site to include education on sensitive resources such as protected wildlife with the potential to occur within the Study Area, water quality, and environmental protection measures.</p> <p>11) All temporary flagging, fencing, and/or barriers shall be removed upon completion of Project construction.</p> <p>12) Areas of temporary ground disturbance shall be revegetated using an appropriate erosion control seed mix or covered with rock, wood chips, or other suitable erosion control materials as appropriate.</p>					
<b>Geology and Soils</b>					
To avoid or minimize potential damage from seismic shaking, the Project shall be built using standard engineering and seismic safety design techniques. Building design and construction at the Site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2019 California Building	Project Applicant shall design and build the Project consistent with the requirements of applicable Building and Fire Codes, including the 2016 California Building Code Chapter 16, Section 1613, as adopted or updated by the City.	Prior to securing any Public Works Clearances	City of Napa Public Works Department	<p>Review and approve Project grading and building plans.</p> <p>Review and approve Construction Management Plan.</p>	Prior to issuance of any Public Works Clearances



Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>Code Chapter 16, Section 1613, as adopted or updated by the City.</p> <p>All Project-related grading, trenching, backfilling and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications.</p> <p>All construction activities shall meet the Uniform Building Code regulations for seismic safety (e.g., reinforcing perimeter and/or load bearing walls, bracing parapets).</p> <p>Applicant shall provide an erosion and sediment control plan and a schedule for implementation of approved measures to the Public Works Director for approval prior to the issuance of any grading permits. No grading and excavation shall be performed except in accordance with the approved plan and schedule.</p>	<p>Project applicant shall prepare a comprehensive Construction Management Plan to ensure that City of Napa Public Works Department Standard Specifications are incorporated into the construction plans for the project and implemented at the project site.</p> <p>Project Applicant shall submit an erosion and sediment control plan.</p>			Review and approve erosion and sediment control plan.	
<p>The following measure shall be applied to development of the Site to reduce and/or avoid impacts to paleontological resources:</p> <p>If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include</p>	<p>Project applicant shall prepare a comprehensive Construction Management Plan to ensure that measures to reduce and/or avoid impacts to paleontological resources are incorporated into the construction plans for the Project and implemented at the Project site.</p>	<p>Prior to securing any Public Works Clearances</p> <p>During Grading and Construction</p>	City of Napa Public Works Department	Construction Management Plan Review and Approval	Prior to issuance of any Public Works Clearances

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
preparation of a report for publication describing the finds. The Applicant will be responsible for implementing the recommendations of the paleontological monitor.					
Hazards and Hazardous Materials					
The Applicant shall conduct soil sampling prior to issuance of a grading permit to determine whether any residual impact remains from prior historic uses on the site. If residual constituents remain above residential Environmental Screening Levels, they will be properly remediated consistent with the recommendations of the Phase II Report under the oversight of the County Environmental Health or state DTSC. Documentation of the soil sampling results shall be provided to the City, along with the proposed remediation approach, prior to grading permit, to ensure the construction activity is in keeping with the EIR's construction impacts analysis, or the City will conduct supplemental environmental review to account for the construction activity if it would be inconsistent with the assumptions used in the EIR's analysis.	Project Applicant shall retain a qualified consultant to conduct soil sampling. Documentation of the soil sample data and testing shall be submitted to the City's Public Works Department and the Planning and Code Enforcement Division	Prior to grading	City of Napa Planning and Code Enforcement Division	Review and approve soil sampling results	Prior to grading
Hydrology and Water Quality					

<p>Measures to prevent stormwater pollution and minimize potential sedimentation shall be applied to Project construction, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>• To ensure adequate drainage control, the Developer of any project that introduces new impervious surfaces (roof, driveways, patios) that will change the rate of absorption of drainage or surface run-off shall submit a drainage and grading plan designed in accordance with Policy Resolution No. 17 and the City of Napa Public Works Department Standard Specifications to the Public Works Department for its approval.</li> <li>• For any construction activity that results in the disturbance of 1 acre or greater total land area, or that is part of a larger common plan of development that disturbs 1 acre or greater total land area, Developer shall file a Notice of Intent with the California Regional Water Quality Control Board (SWRCB) prior to any grading or construction activity.</li> <li>• The Developer shall ensure that no construction materials (e.g., cleaning fresh concrete from equipment) are conveyed into the storm drain system. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.</li> </ul>	<p>Project Applicant shall prepare a Drainage and Grading Plan.</p> <p>Project Applicant shall file a Notice of Intent with the California SWRCB.</p> <p>Project Applicant shall prepare a comprehensive Construction Management Plan to ensure that measures to prevent stormwater pollution and minimize potential sedimentation are implemented at the project site.</p>	<p>Prior to securing any Public Works Clearances</p> <p>During Grading and Construction</p>	<p>City of Napa Public Works Department</p>	<p>Drainage and Grading Plan Review and Approval</p> <p>Construction Management Plan Review and Approval</p>	<p>Prior to issuance of any Public Works Clearances</p>
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Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<ul style="list-style-type: none"> <li>All materials that could cause water pollution (e.g., motor oil, fuels, paints) 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.</li> <li>All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or ground water. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system. Construction of the proposed Project, with the implementation of the above measures in accordance with the NPDES General Permit and the City's General Plan, would not result in significant construction-related water quality impacts.</li> </ul>					
<p>The following conditions shall be incorporated into the Project:</p> <ul style="list-style-type: none"> <li>Developer shall meet the requirements of discharging to a public storm drainage system as required to ensure compliance</li> </ul>	<p>Project Applicant shall prepare and implement a SWPMP.</p> <p>Project Applicant shall mark all new storm drain</p>	<p>Prior to securing any Public Works Clearances</p>	<p>City of Napa Public Works Department and City Attorney</p>	<p>SWPMP Review and Approval</p> <p>Review and approve long-</p>	<p>Prior to approval of the final/parcel map or issuance of a building</p>

Mitigation Monitoring or Reporting Program Valle Verde & Heritage House Project					
Condition of Approval or Standard Permit Condition	Implementing Procedure	Timeframe for Implementation	Agency Responsible for Monitoring	Actions/Reports	Monitoring Timing or Schedule
<p>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> <ul style="list-style-type: none"> <li>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.</li> <li>Developer shall record a plan for long-term private maintenance acceptable to the Director of Public Works and the City Attorney for any structural storm water pollution removal devices or treatment control BMP incorporated as part of the Project. The plan shall comply with City and SWRCB requirements including, but not limited to, a detailed description of responsible parties, inspections,</li> </ul>	<p>inlets with permanent markings, which state “No Dumping-Flows to River.” This note shall be shown on improvement plans.</p> <p>Project Applicant shall record plan for long-term private maintenance any structural storm water pollution removal devices or treatment control BMP incorporated as part of the Project and submit to the Director of Public Works and the City Attorney.</p>			term private maintenance plan	permit, whichever comes first

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maintenance procedures for the detention system, including monitoring and documentation of annual report to the Public Works Department and procedures for enforcement. Appropriate easements or other arrangements satisfactory to the Public Works Director and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to approval of the final/parcel map or issuance of a building permit, whichever comes first.					
Noise and Vibration					
1) Construction activities throughout the entire duration of the Project shall be limited to the hours of 7:00 AM to 7:00 PM, Monday through Friday. There will be no startup of machines nor equipment prior to 8:00 AM., Monday through Friday; no delivery of materials nor equipment prior to 7:30 AM nor past 5:00 PM, Monday through Friday; no cleaning of machines nor equipment past 6:00 PM, Monday through Friday; no servicing of equipment past 6:45 PM, Monday through Friday; and construction on weekends or legal holidays shall be limited to the hours of 8:00 AM to 4:00 PM, unless a permit shall first have been secured from the City Manager, or designee, pursuant to Section 8.08.050 of the code.	Project applicant shall prepare a comprehensive Construction Management Plan to ensure that best management practices are implemented to reduce construction noise in accordance with the provision of the City's General Plan and Section 8.08.025 of Napa's Municipal Code.	Prior to securing any Public Works Clearances  During Grading and Construction	City of Napa Public Works Department	Construction Management Plan Review	Prior to issuance of any Public Works Clearances

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<p>2) All muffler systems on construction equipment shall be properly maintained.</p> <p>3) All construction equipment shall not be placed adjacent to developed areas unless said equipment is provided with acoustical shielding.</p> <p>4) All construction and grading equipment shall be shut down when not actively in use.</p> <p>5) As a separate, distinct, and cumulative remedy established for a violation of this section, the Police and/or the Code Enforcement Officer may issue a stop work order for violation of this section. Such order shall become effective immediately upon posting of the notice. After service of the stop work order, no person shall perform any act with respect to the subject property in violation of any of the terms of the stop work order, except such actions the city determines are reasonably necessary to render the subject property safe and/or secure until the violation has been corrected.</p>					

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<p>For consistency with the General Plan, the following Conditions of Approval would be applied to the Project:</p> <ul style="list-style-type: none"> <li>Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all buildings so that windows can be kept closed to control noise from emergency vehicle sirens.</li> </ul> <p>Provide sound rated windows to proposed building residential façades to maintain interior maximum instantaneous noise levels due to emergency vehicle sirens at acceptable levels. Preliminary calculations show that sound-rated windows with minimum STC Ratings of 28 or higher would be satisfactory for all units in the Valle Verde Apartments and for east, west, and north facing Heritage House units to achieve acceptable interior noise levels, assuming a windows to wall ratio of 40% or less. Sound-rated windows with minimum STC Ratings of 30 or higher would be needed to reduce interior maximum levels in south facing Heritage House units to achieve acceptable interior noise levels. The specific determination of what noise insulation treatments are necessary shall be conducted on a room-by-room basis during final design of the Project.</p>	Project applicant shall submit final design plans consistent with the requirements of the City's General Plan.	Prior to securing any building permits	City of Napa – Building Division	Review and Approve Building Permits	Prior to issuance of any building permits
Public Services					



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<ul style="list-style-type: none"> <li>In accordance with Section 15.78.040 of the Napa Municipal Code, the Applicant shall pay the applicable Fire and Paramedic Development Impact Fee to mitigate the impact of the Project on the City's ability to provide Citywide fire and paramedic services.</li> </ul>	Project Applicant shall pay the applicable Fire and Paramedic Development Impact Fee	Prior to securing a building permit	City of Napa – Building Division	Collect impact fee	Prior to issuance of any building permits
<ul style="list-style-type: none"> <li>In accordance with California Government Code Section 65996, the Applicant shall pay a school impact fee to the School District, to offset the increased demands on school facilities caused by the proposed Project.</li> </ul>	Project Applicant shall pay a school impact fee.	Prior to securing a building permit	City of Napa – Building Division	Collect impact fee	Prior to issuance of any building permits
<ul style="list-style-type: none"> <li>The Applicant shall pay a park development fee in accordance with Napa Municipal Code Chapter 15.68.</li> </ul>	Project Applicant shall pay a park development fee.	Prior to securing a building permit	City of Napa – Building Division	Collect impact fee	Prior to issuance of any building permits
Transportation and Traffic					
In accordance with Napa Municipal Code Chapter 15.84, the Applicant shall pay a Street Improvement Fee prior to the issuance of any building permit for the Project. The fee is required to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collector street system. Such fee shall be payable at the rate in effect at the time of payment.	Project Applicant shall pay a Street Improvement Fee.	Prior to securing a building permit	City of Napa – Building Division	Collect impact fee	Prior to issuance of any building permits