

RESOLUTION R2008 14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA,
STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE
DECLARATION IN CONJUNCTION WITH MODRALL SUBDIVISION
(#06-0119)

WHEREAS, Ron and Susan Modrall have submitted an application to subdivide one parcel totaling 5.5 acres at 45 Los Robles Drive (APN:046-180-009) into 6 single family lots and to construct 5 new homes; and

WHEREAS, City staff has determined that there is no substantial evidence, in light of the whole record before the City Council, that the recommended action, as analyzed in the initial study prepared for the Modrall Subdivision No.06-0119 and dated November 21, 2007, will have a significant effect on the environment; and

WHEREAS, the applicant has agreed to revise his project to incorporate the mitigation measures identified by staff in said initial study, and said revised project is hereinafter referred to as the "Project";

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

Section 1. The City Council hereby finds that there is no substantial evidence, in light of the whole record before the City Council, that the recommended action, as analyzed in the initial study prepared for the Modrall Subdivision #07-0119 and dated November 21, 2007, will have a significant effect on the environment; therefore the City adopts a Mitigated Negative Declaration for this project based upon the applicant's revision of the subject project to include the following mitigation measures:

I. AESTHETICS

Standard Mitigation Measures:

1. All new lighting on private property shall be designed to eliminate direct light spilling onto adjacent residential properties.
2. Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.
3. All new utilities shall be placed underground.
4. The Developer shall comply with the following:

(a) The plans submitted for the project improvements or building permit, whichever comes first, shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that (1) all plant materials be certified by the Napa County Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner and (2) the Agricultural Commissioner's Office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Department approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Director that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications and inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Director upon a showing of good cause.

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

II. AGRICULTURAL RESOURCES

None.

III. AIR QUALITY

1. Grading and construction equipment shall be shut down when not in use.
2. Construction activities shall not occur during windy periods.
3. Exposed soil surfaces shall be periodically sprinkled to retard dust; no City water shall be used for this purpose.

IV. BIOLOGICAL RESOURCES

Special Mitigation Measures:

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

2. The applicant shall comply with the Tree Preservation Guidelines set forth in Tree Preservation Report dated October 19, 2007 was prepared by arborist Ed Brennan. The Tree Preservation Guidelines shall be incorporated onto the improvement plans for the project and the dwelling building permits for the property.

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

4. Initial ground disturbance and tree removal should occur outside of the breeding season for migratory birds (February through August). If it is not possible to schedule the project outside of the breeding season, a wildlife biologist should conduct a breeding survey at the study area and surrounding areas within 30 days of the onset of construction to verify that breeding birds will not be impacted by project activities.

ALSO SEE AESTHETIC SPECIAL MITIGATION MEASURES 1 THROUGH 4

V. CULTURAL RESOURCES

1. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Developer shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.

VI. GEOLOGY AND SOILS

1. All Project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications (hereinafter referred to as PWD Standard Specifications).
2. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).
3. Developer shall provide an erosion and sediment control plan and a schedule for implementation of approved measures to the Public Works Director for approval with the first improvement plans submitted for review. No grading and excavation shall be performed except in accordance with the approved plan and schedule.
4. Hydroseeding of all disturbed slopes shall be completed by October 1; Developer shall provide sufficient maintenance and irrigation of the slopes such that growth is established by November 1.
5. For all subdivision and parcel maps, the Developer shall prepare a Soils Investigation/Geotechnical Report in accordance with Section 16.36.200 of the NMC. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to parcel/final map approval. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of individual house plans in accordance with Title 15 of the NMC.

VII. HAZARDS AND HAZARDOUS MATERIALS

None.

VIII. HYDROLOGY AND WATER QUALITY

1. To insure adequate drainage control, the Developer of any project which introduces new impervious surfaces (roof, driveways, patios) which will change the rate of absorption of drainage or surface run-off shall submit a drainage and grading plan designed in accordance with Policy Resolution No. 17 and the City of Napa Public Works Department Standard Specifications to the Public Works Department for its approval.
2. Side yards of each lot shall have of a minimum unobstructed width of five (5) feet. No building encroachments, door landings or mechanical equipment shall be placed in this unobstructed area without the review and approval of the Public Works Director in order to assure adequate drainage.
3. For any construction activity that results in the disturbance of five (5) acres or greater total land area, or is part of a larger common plan of development that disturbs five (5) acres or greater total land area, Developer shall file a Notice of Intent with the California Regional Water Quality Control Board ("SWRCB") prior to any grading or construction activity. In the event construction activity for the project occurs after the SWRCB has changed its General Permit for construction activity to cover disturbance(s) of one (1) acre or more, this measure shall apply to any construction activity for this project which results in the disturbance of one (1) acre or greater total land area, or is part of a larger common plan of development that disturbs one (1) acre or greater total land area.
4. 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.

5. All materials that could cause water pollution (i.e., motor oil, fuels, paints, etc.) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site.

6. 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.

7. Developer shall meet the requirements of discharging to a public storm drainage system as required to ensure compliance by the City with all state and federal laws and regulations related to storm water as stipulated in the Clean Water Act. Developer shall meet the requirements of the National Pollutant Discharge Elimination System ("NPDES") permit in effect prior to completion of project construction for storm water discharges from the municipal storm water system operated by the City of Napa. Developer shall comply with the Storm Water Pollution Mitigation Plan ("SWPMP") submitted by Developer as part of its application as (modified and) approved by the Director of Public Works.

8. 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.

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

IX. LAND USE AND PLANNING

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

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

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

X. MINERAL RESOURCES

None.

XI. NOISE

1. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.

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

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

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

XII. POPULATION AND HOUSING

None.

XIII. PUBLIC SERVICES

1. Developer shall comply with all applicable requirements of the Uniform Fire Code the Fire Department and PWD Standard Specifications and the Fire Department "Standard Requirements for Commercial/Residential Projects," including, without limitation, the requirements for access, new construction, smoke detectors, fire extinguishers, fire hydrants, etc. Existing fire hydrants may be used to meet hydrant location requirements only if they meet or are changed to meet current hydrant specifications.

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

3. All newly constructed buildings must have automatic sprinkler systems conforming to NFPA and City Standard Specifications, for which installation permit must be obtained from Fire Prevention. In multi-building complexes, or in buildings with three (3) or more stories, special monitoring conditions will be required. Existing habitable buildings, which are retained, shall be retrofitted.

4. Developer shall pay the required fire and paramedic fees for new development in accordance with Napa Municipal Code Chapter 15.78. Such fees shall be payable at the rate in effect at the time of payment for the unit involved. The findings set forth in the ordinance and Resolution 94-106 are incorporated herein. The City further finds that calculation of the fee pursuant to the formula set forth therein demonstrates that there is a reasonable relationship between the fees imposed and the cost of improvements attributable to this project.

XIV. RECREATION

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

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

XV. TRANSPORTATION/TRAFFIC

1. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the PWD Standard Specifications. Unless waived by the Public Works Director, street improvements shall include curbs, gutter, sidewalk, planting, streetlights, street

trees, etc.; any additional right-of-way necessary to accommodate these improvements shall be dedicated to the City.

2. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.

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

4. Any pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an alternate route established as approved by the Police Chief and Public Works Director.

5. In order to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collective street system, the Developer shall pay a Street Improvement Fee in accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of development demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this project.

XVI. UTILITIES AND SERVICE SYSTEMS

1. Prior to trenching within existing roadway areas, the Developer's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems.

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

3. The project shall be connected to the Napa Sanitation District for sanitary sewer service. If the subject property is presently served by individual sewage disposal systems, the septic systems, set backs, and reserve areas must be protected and maintained during cleaning, grading, construction, and after connection to the District, the existing septic tank(s) shall be properly destroyed.

4. The project shall be connected to the City of Napa water system. Any existing well must be properly protected from potential contamination. If an existing well is to be destroyed, a well-destruction permit must be obtained from the Napa County Department of Environmental Management by a licensed well driller. If an existing well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water District's specifications.

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

6. All faucets in sinks and lavatories shall be equipped with faucet aerators designed to limit the maximum flow to two and two tenths (2.2) gallons per minute.

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

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

9. During the construction/demolition/renovation period of the project, Developer shall use the franchised garbage hauler for the service area in which the project is located to remove all wastes

generated during project development, unless Developer transports project waste. If the Developer transports the project's waste, Developer must use the appropriate landfill for the service area in which the project is located.

10. Developer shall provide for the source separation of wood waste for recycling. Developer shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the Developer transports such wood waste to a location where wood waste is recycled.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 8th day of January, 2008 by the following roll call vote:

AYES: Council Members Inman, Krider and Mott, Vice-Mayor van Gorder, Mayor Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: Sara J. Cox
CITY CLERK OF THE CITY OF NAPA