

**RESOLUTION R2026-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ZINFANDEL SUBDIVISION AT 1583 & 1657 EL CENTRO AVENUE**

WHEREAS, on February 12, 2019, Randy Gularte (the “Applicant”) submitted an application (File No.PL19-0016) for a Design Review Permit pursuant to NMC Chapter 17.62 (“Design Review Permit”) for the design of a Tentative Map and house plans, a Use Permit pursuant to NMC Chapter 17.60 (“Use Permit”) for the application of small lot development and flag lot standards and a Tentative Map pursuant to NMC Chapter 16.20 (“Tentative Map”) to subdivide an 9.56-acre property located at 1583 & 1657 El Centro Avenue (“Site”), into 51 single-family lots (APNs: 038-361-009 and 038-361-010) (the “Project”); and

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

WHEREAS, in accordance with CEQA and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq, the City of Napa Community Development Department prepared a Consistency Checklist Analysis pursuant to CEQA Guidelines section 15183, which found that the Project is consistent with the development density and zoning established by the City’s 2020 General Plan, which was adopted pursuant to a certified Program EIR (SCH No. 95033060) and found that the Project’s potential impacts on all environmental factors, except biological resources, have been previously analyzed and mitigated as needed, consistent with the 2020 General Plan EIR and other regulatory frameworks; therefore, a Mitigated Negative Declaration has been prepared for adoption; and

WHEREAS, the City of Napa prepared a Mitigated Negative Declaration, pursuant to CEQA and the CEQA Guidelines, which is attached hereto as Exhibit A and incorporated herein by reference (“Mitigated Negative Declaration”) and a Mitigation Monitoring and Reporting Program (“MMRP”) which is attached hereto as Exhibit B and incorporated by reference; and

WHEREAS, on July 30, 2025, the City of Napa posted a Notice of Intent to Adopt a Mitigated Negative Declaration which identified the review period from August 7, 2025 to September 5, 2025, for review and comment by the public and public agencies having jurisdiction by law with respect to the Project; and

WHEREAS, on December 18, 2025, the Planning Commission considered the Mitigated Negative Declaration and MMRP and all written and oral testimony submitted to it at a noticed public hearing on the Zinfandel Subdivision's, Design Review Permit, Use Permit, and Tentative Map, at which time the Planning Commission heard a presentation by Staff and took public testimony, closed the public hearing, considered the adequacy of the Mitigated Negative Declaration and recommended that the City Council adopt resolutions adopting the Mitigated Negative Declaration and MMRP, and approve the Design Review Permit, Use Permit and Tentative Map; and

WHEREAS, on February 3, 2026, the City Council considered the Mitigated Negative Declaration and MMRP, and all written and oral testimony submitted to it at a noticed public hearing on the Zinfandel Subdivision's Design Review Permit, Use Permit, and Tentative Map, at which time the City Council heard a presentation by Staff and took public testimony, and thereafter closed the public hearing and considered the adequacy of the Mitigated Negative Declaration and MMRP.

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

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

Section 2. The City Council has reviewed and considered Mitigated Negative Declaration, and MMRP, any oral or written comments received, and the administrative record prior to making any decision on the Project and finds that Mitigated Negative Declaration and MMRP, in addition to the CEQA Guideline Section 15183 Consistency Checklist prepared for the Project, contain a complete and accurate reporting of all the environmental impacts associated with the Project.

a. The City Council further finds that (i) the Mitigation Negative Declaration was prepared in compliance with CEQA; and (ii) based on the imposition of mitigation measures, and the CEQA Guideline Section 15183 Consistency Checklist prepared for the Project, there is no substantial evidence in the administrative record that the Project may have a significant effect on the environment, and no new significant environmental impacts have been identified in the Final Mitigated Negative Declaration and any changes to the Final Mitigated Negative Declaration in response to comments or otherwise do not constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5.

b. The City Council has reviewed and considered the MMRP for the Project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 finds that such MMRP is designed to ensure compliance with the mitigation measures during Project implementation.

## ATTACHMENT 1

c. Pursuant to Public Resources Code section 21080, subdivision (c)(2), the City Council adopts the Final Mitigated Negative Declaration attached hereto as Exhibit A, and, pursuant to Public Resources Code section 21081.6, the City Council approves the MMRP, attached hereto as Exhibit B.

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 3rd day of February, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_

Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Chris Diaz  
Interim City Attorney

# **EXHIBIT A**

## **ZINFANDEL SUBDIVISION PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

# Zinfandel Subdivision Project Mitigation Monitoring and Reporting Program

Table 1: Zinfandel Subdivision Project Mitigation Monitoring and Reporting Program (Mitigation Measures)

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
2.1 Biological Resources					
<b>MM BIO-1a: Northwestern Pond Turtle Pre-construction Surveys and Protection Measures</b> A qualified Biologist (i.e., a Biologist with at least 2 years of experience conducting surveys for western pond turtle detections) shall submit a wildlife exclusion fencing plan to the California Department of Fish and Wildlife (CDFW) for review and approval prior to the start of construction. Exclusion fencing shall be installed along the Salvador Channel, above the ordinary high water mark (OHWM) to prevent the species from traveling from the channel into the upland areas during project construction. Because of the existing placement of cement and other debris along the channel banks, installation of the fencing is not likely to be feasible until this debris is removed. Therefore, a Biologist shall be present during the removal of the debris prior to the installation of the exclusion fence. If necessary, steel plates held in place along the OHWM by equipment or other methods may be used in order to ensure that the debris does not fall back into the channel during the debris removal process. After the removal of debris, the exclusion fence shall be installed with a qualified Biologist present during the fence installation. Personnel involved with the removal of debris and the installation of exclusion fencing and on-site supervision of the	Qualified Biologist’s pre-construction survey and submittal of survey documents (including wildlife exclusion fencing plan)  Incorporation into construction documents  On-site monitoring by qualified Biologist  Completion of qualified Biologist’s environmental awareness training and submittal of training	Prior to ground-disturbing activities and within 72 hours of the start of project activities in the vicinity of Salvador Channel  Prior to ground-disturbing activities in the vicinity of Salvador Channel  During debris removal and exclusion fence installation  Prior to ground-disturbing activities in the vicinity of Salvador Channel	City of Napa Community Development Department; Qualified Biologist		

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## EXHIBIT A

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<p>same shall receive environmental awareness training regarding the ecology of the pond turtle, its status, habitat, approved avoidance and minimization measures determined through consultation with the CDFW, and penalties for violations.</p> <p>The fencing shall be standard silt fencing, approximately 42 inches in height that shall be trenched 6 inches into the soil under the supervision of a qualified Biologist. The soil shall then be compacted against both sides of the fence to prevent wildlife from gaining access underneath. The stakes shall be placed on the inside of the fence facing the development. No gaps or holes are permitted in the fencing system, except for pedestrian and vehicle entry points. The entry/exit points may be constructed in the fencing system for equipment and personnel, but the qualified Biologist shall ensure no wildlife is capable of entering the fenced-off site via the gate. The gate structure shall be flush to the ground with no holes or gaps (i.e., plywood gates with silt fencing flaps). The fence shall be inspected by a qualified Biologist for holes, gaps, or access points, which shall be repaired upon discovery.</p> <p>A qualified Biologist shall conduct a pre-construction survey of the project site and adjacent habitat within 72 hours of the start of project activities to determine whether northwestern pond turtle or their nests are present and guide the installation of the exclusion fence. If northwestern pond turtles are discovered, a qualified Biologist with experience handling and relocating the species shall move the species to the nearest suitable habitat outside of the project area and exclusion fencing. The nest site plus a 50-foot buffer around the nest site shall be fenced with orange construction fence until eggs hatch and young turtles disperse to the upstream or downstream of the channel. In addition, if nest(s) are located during the surveys, moth balls</p>	documentation (i.e. attendance logs)				

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(naphthalene) shall be sprinkled around the vicinity of the nest (no closer than 5 feet) to mask human scent and discourage predators. Grading within the nest site's 50- foot buffer area shall be delayed until the young have left the nest as determined by the qualified Biologist. If the CDFW allows translocation of any nesting northwestern pond turtles this shall be completed by a qualified Biologist under the direction of the CDFW.					
<p><b>MM BIO-1b: Pre-construction Nesting Bird Survey</b></p> <p>If construction would commence anytime during the nesting/breeding season of the raptors or bird species listed in the Migratory Bird Treaty Act (MBTA) (typically February through August), a pre-construction survey of the project vicinity for nesting birds shall be conducted. This survey shall be conducted by a qualified Biologist (experienced with the nesting behavior of bird species of the region) within 7 days prior to the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey is to determine whether active nests are present within or adjacent to the construction zone within approximately 250 feet.</p> <p>The surveys shall be timed such that the last survey is concluded no more than one week prior to initiation of construction. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than two weeks shall have elapsed between the last survey and the commencement of ground disturbance activities.</p> <p>If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified Biologist determines that all young have</p>	<p>Qualified Biologist's pre-construction survey and submittal of survey documents</p> <p>On-site monitoring by the qualified Biologist if survey finds active nests that could be impacted</p> <p>If survey finds active nests, completion of qualified Biologist's environmental awareness training and submittal of training documentation (i.e. attendance logs)</p> <p>If survey finds active nests, on-site inspection of buffer zone fencing</p>	<p>Within 7 days prior to construction during nesting/breeding season</p> <p>During construction</p> <p>Prior to construction</p> <p>During construction</p>	City of Napa Community Development Department; qualified Biologist		

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## EXHIBIT A

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<p>fledged. The size of the buffer zones and types of construction activities restricted within them shall be determined through consultation with the CDFW, prior to ground-disturbing activities, depending on the species, and taking into account factors such as the following:</p> <p>Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;</p> <p>Distance and amount of vegetation or other screening between the construction site and the nest; and</p> <p>Sensitivity of individual nesting species and behaviors of the nesting birds.</p> <p>The buffer zone around an active nest shall be established in the field with orange construction fencing, or another appropriate barrier, and construction personnel shall be instructed on the sensitivity of nest areas. The Biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas of special-status bird species to ensure that no impacts on these nests occur.</p>					
<p><b>MM BIO-1c: Pre-construction Bat Survey</b></p> <p>For construction activities between October 16 and August 14: Prior to the commencement of construction activities, a qualified Biologist shall conduct a focused survey to determine the presence/absence of any special-status bat species. If bats are found, then a plan for the removal or exclusion of any tree between October 16 and August 14 shall be developed by a qualified Biologist in conjunction with the California Department of Fish and Wildlife (CDFW).</p>	<p>Qualified Biologist's pre-construction survey and submittal of survey documents</p> <p>If survey finds special-status bats, submittal of qualified Biologist's tree exclusion or removal plan</p>	<p>Prior to construction between October 16 and August 14</p> <p>Prior to construction between October 16 and August 14</p>	<p>City of Napa Community Development Department; qualified Biologist</p>		



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**EXHIBIT A**

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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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For construction activities between August 15 and October 15: If trees are to be removed between August 15 and October 15, they shall be trimmed and removed in a two-phased system conducted over two consecutive days under the supervision of a qualified Biologist. The first day (afternoon), limbs, branches, and trunks without cavities, crevices, and deep bark fissures shall be removed by chainsaw only. Limbs and trunks with cavities, crevices and bark fissures would be avoided. On the second day, the remainder of the tree may be removed.	Inclusion in project construction documents and on-site inspection	During construction between August 15 and October 15			
<p><b>MM BIO-2: CDFW and RWQCB Permitting</b></p> <p>All riparian habitat temporarily impacted by project restoration shall be restored to a baseline condition, outlined in the project-specific biological report, similar to or better than (i.e., with increased habitat values) the pre-construction conditions. All riparian habitat permanently impacted by project implementation shall be mitigated on-site through the creation of new riparian habitat. Mitigation for permanent impacts shall be completed at a 1:1 ratio of created to impacted habitat at minimum, at no net loss, or a ratio agreed upon by the permitting agency during consultation. A riparian habitat mitigation plan shall be prepared and approved as part of the project's California Department of Fish and Wildlife (CDFW) and Regional Water Quality Control Board (RWQCB) permits.</p> <p>An annual report shall be prepared each year for a minimum of five years and submitted to CDFW and the RWQCB, describing the revegetation effort, survival of the plantings, and any recommendations for maintenance and work needed to ensure a successful restoration effort.</p>	<p>Incorporation into California Department of Fish and Wildlife (CDFW) and Regional Water Quality Control Board (RWQCB) permits</p> <p>Annual approval by the California Department of Fish and Wildlife (CDFW) and Regional Water Quality Control Board (RWQCB)</p>	<p>Prior to construction</p> <p>Annually for a minimum of five years</p>	City of Napa Community Development Department; California Department of Fish and Wildlife (CDFW) and Regional Water Quality Control Board (RWQCB);		
<b>MM BIO-5a: Tree Removal</b>	Incorporation into construction documents.	Prior to construction	City of Napa Community		

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## EXHIBIT A

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The removal of any native trees that are protected by the City of Napa's protected native tree designation shall be mitigated per the City of Napa's mitigation requirements, including tree removal permits, replacement trees, and/or in lieu fees, and City approval prior to removal. The removal of any native riparian tree shall be mitigated at a replacement ratio determined per the regulatory agencies (California Department of Fish and Wildlife [CDFW] and the Regional Water Quality Control Board [RWQCB]). Each native riparian tree removed shall be replaced by planting one native riparian tree within the riparian corridor or an equally effective ratio based on consultation with regulatory agencies during permit deliberation. Replacement trees shall be monitored for a period of 5 years after planting to ensure their success establishment within the riparian corridor.	<p>Submit summary of compliance to the City, including: Identification of protected native trees proposed for removal; Where applicable, proposed replacement tree species, quantities, and locations; Payment of in-lieu fees, if applicable.</p> <p>On-site monitoring by qualified Biologist</p>	<p>Prior to construction</p> <p>Post-construction for a period of five years</p>	Development Department; CDFW; RWQCB		
<p><b>MM BIO-5b: Tree Protection Zone</b></p> <p>Tree Protection Zones (TPZ) shall be established and identified in the field to protect trees that shall be preserved by the proposed project. The TPZ shall be a radii around the preserved tree equal to 1 foot per 1 inch of trunk diameter. The TPZ shall be marked in the field using orange construction fencing and no equipment shall enter, nor may any work be performed within the TPZ.</p>	<p>Incorporation into construction documents</p> <p>On-site monitoring</p>	<p>Prior to construction</p> <p>During construction</p>	City of Napa Community Development Department		

**Table 2: Zinfandel Subdivision Project Mitigation Monitoring and Reporting Program (Implementation Measures)**

Implementation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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4.5 Cultural and Tribal Cultural Resources					
<b>IM CUL-1: Archaeological and Tribal Cultural Resources Training for Construction Staff</b> An Archaeologist who meets the Secretary of the Interior’s qualification standards for archaeology shall attend the pre-construction meeting with the contractors to provide Worker Environmental Awareness Program (WEAP) training for all construction personnel who will be engaging in ground-disturbing activities. The training shall include a brief review of the cultural sensitivity of the proposed project and the surrounding area; what resources could potentially be identified during earthmoving activities, along with visual aids/appropriate examples of those resources; applicable federal, State, and local statutes governing the protection of archaeological resources; and the protocols that apply in the event unanticipated cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly assessed. A sign-in sheet shall be circulated and returned to the Lead Agency as confirmation the training has taken place.	Completion of qualified Archaeologist’s WEAP training and submittal of training documentation (i.e., attendance logs)	Prior to ground disturbance or construction	City of Napa Community Development Department; Qualified Archaeologist		
<b>IM CUL-2: Archaeological Monitoring</b> An Archaeological Monitor reporting to the qualified Archaeologist shall be present to monitor during the clearing, grubbing, trenching, and grading phases of project-related ground disturbance to check for inadvertent exposure of archaeological resources or human remains. Over the course	On-site monitoring and submittal of documentation	During clearing, grubbing, trenching, and grading phases of ground-disturbance	City of Napa Community Development Department; Qualified Archaeologist		

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## EXHIBIT A

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Implementation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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of the proposed project, should the Archaeologist determine that the probability of inadvertent discovery is low, they may make a recommendation to the Lead Agency that monitoring be reduced to regular periodic or “spot-check” monitoring, or that monitoring may cease altogether.					
<p><b>IM CUL-3: Inadvertent Discovery of Cultural Resources</b></p> <p>In the event that buried cultural resources are discovered during construction, operations shall stop within a 100-foot radius of the find and a qualified Archaeologist shall be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA Guidelines.</p> <p>If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the lead agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.</p>	<p>Inclusion of discovery clause in all construction contracts</p> <p>Qualified Archaeologist’s data recovery plan if any cultural or historical resources are found</p> <p>County notification if historical or archaeological materials encountered</p> <p>Provision of Section 15064.5 permit(s) and copy of DPR 523 forms; Qualified Archaeologist’s submittal of findings and documentation</p>	<p>Prior to ground-disturbing activities</p> <p>In the event that buried cultural resources are discovered during construction prior to excavation</p> <p>During ground-disturbing activities</p> <p>During ground-disturbing activities</p>	City of Napa Community Development Department; Qualified Archaeologist		

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## EXHIBIT A

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No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.					
<p><b>IM CUL-4: Inadvertent Discovery of Human Remains</b></p> <p>In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; and Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:</p> <ol style="list-style-type: none"> <li>1. There shall be no further excavation or disturbance of the site where human remains are discovered and/or any nearby area reasonably suspected to overlie adjacent human remains until the Napa County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</li> </ol>	<p>Inclusion of discovery clause in all construction contracts</p> <p>County notification if human remains encountered</p> <p>County Coroner contacts NAHC and submits NAHC correspondence to County</p>	<p>Prior to ground-disturbing activities</p> <p>In the event of an accidental discovery or recognition of any human remains during ground-disturbing activities</p> <p>During ground-disturbing activities</p>	City of Napa Community Development Department; Napa County Coroner		

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## EXHIBIT A

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Implementation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>2. Where the following conditions occur, the landowner or his or her authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project area in a location not subject to further subsurface disturbance.</p> <p>The NAHC is unable to identify MLD or the MLD failed to make a recommendation within 48 hours after being notified by the Commission;</p> <p>The descendant identified fails to make a recommendation;</p> <p>or</p> <p>The landowner or his or her authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.</p> <p>Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains.</p> <p>When an initial study identifies the existence of, or the probable likelihood of, Native American remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC.</p>					
<b>4.7 Geology and Soils</b>					
<b>IM GEO-1: Design-level Geotechnical Report</b>	Incorporation into construction documents	Prior to construction	City of Napa Community		

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EXHIBIT A

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Prior to construction activities, an updated design-level geotechnical study shall be prepared by a qualified Geotechnical Engineer. The recommendations included in the design-level geotechnical study shall be implemented during construction activities, including grading and excavation. Monitoring and testing by a geotechnical engineer during construction shall be conducted to ensure all design recommendations are implemented properly.	On-site monitoring	During construction	Development Department; Qualified Geotechnical Engineer		