

RESOLUTION R2025-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, (1) ADOPTING A FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HIDDEN GLEN REMEDIATION PROJECT; (2) AUTHORIZING STAFF TO FINALIZE CONSTRUCTION PLANS FOR THE HIDDEN GLEN REMEDIATION PROJECT; AND (3) AUTHORIZING STAFF TO ADVERTISE THE HIDDEN GLEN REMEDIATION PROJECT FOR BIDS

WHEREAS, City owns 2.18 acres of land (Napa County Assessor's Parcel Number 045-411-022-000) within the Hidden Glen Subdivision near the intersection of Pascale Place and Glory Court ("Project Site"); and

WHEREAS, the Project Site is part of the "Hidden Glen Dump" listed in the CalRecycle Solid Waste Information System ("SWIS") database and assigned SWIS No. 28-AA-0028, which is identified as an unpermitted, closed, solid waste disposal site and contains waste associated with a burn dump (melted, glass, bottles, and other small miscellaneous debris); and

WHEREAS, in 2001, the Hidden Glen Dump was closed and capped; and

WHEREAS, in 2018, Langan (an engineering and environmental consulting firm) conducted subsurface investigations on the City property and five neighboring residential properties (lots 6, 7, 8, 9, and 10) which identified waste on those properties and lead concentrations in certain locations that exceeded screening levels established by state regulatory agencies; and

WHEREAS, the Langan reports were submitted to the Napa County Local Enforcement Agency ("LEA"); and

WHEREAS, on August 9, 2019, the LEA issued an advisory and notice to all of the property owners advising them that waste debris and lead had been observed on their properties and that as such all the properties were subject to the LEA's regulatory jurisdiction over disposal sites; and

WHEREAS, on November 26, 2019, the LEA issued a notice to comply to the City requiring a workplan to remediate the Project Site by removing or covering residual waste on the City's property; and

WHEREAS, the City's obligation under the LEA's order is to remediate only the City property; but the City has approached the other property owners and has offered to accept waste-impacted soil from their property, reconsolidate it on the Project Site, and cover it with a minimum of 2 feet of clean fill to resolve claims those owners have asserted or

might assert against the City; and

WHEREAS, on October 16, 2024, the City submitted a Remedial Action Plan (RAP) to the LEA to remediate the City property, accept waste-impacted soil from adjacent properties, reconsolidated it on the existing landfill cap, and then cover it by a minimum of 2 feet of clean fill ("Project"); and

WHEREAS, on December 20, 2024, the LEA approved the RAP; and

WHEREAS, on October 16, 2024, the City submitted a grant application to the Department of Resources Recycling and Recovery ("CalRecycle") Legacy Disposal Site Abatement Partial Grant Program that would, if approved, reimburse costs associated with grading and covering waste-impacted soil from the City property and potentially from adjacent properties on the Project Site; and

WHEREAS, on March 4, 2025, CalRecycle approved a grant for such reimbursement up to a maximum of \$473,415; and

WHEREAS, on May 14, 2025, a Soil Disposal and Recorded Release Agreement for Lot 10 Pascale Place was executed to provide the owner of that property with the option to deliver waste-impacted soil to the Project Site at the property owner's expense and as part of a separate and distinct private project; and

WHEREAS, subsequent to execution of the Soil Disposal and Recorded Release Agreement for Lot 10 Pascale Place, the property owner requested the City consider using a portion of the CalRecycle grant funds to reimburse the property owner for trucking and disposal of waste-impacted soil at an appropriate landfill rather than delivering waste-impacted soil to the Project Site; and

WHEREAS, on July 9, 2025, the City requested CalRecycle to modify the budget and workplan in the grant agreement to allow for such reimbursement of trucking and disposal costs incurred by private property owners; and

WHEREAS, on July 28, 2025, the City received approval from CalRecycle to modify the grant as requested; and

WHEREAS, on July 25, 2025, the Soil Disposal and Recorded Release Agreement for Lot 10 Pascale Place was amended to allow the property owner to enter an approximately 1,200 square foot portion of City property, which City intends to transfer to Lot 10 as part of a lot line adjustment, for the purpose of removing waste-impacted soil at the property owner's expense and as part of any separate and distinct private project that the property owner chooses to undertake on Lot 10; and

WHEREAS, the City and the owners of Lot 10 are having discussions related to a further amendment that would address reimbursement of trucking and disposal costs as well as a lot line adjustment transferring property from the City parcel to the Lot 10 parcel; and

WHEREAS, the owners of Lot 6 and the City are in discussions related to an

ATTACHMENT 1

agreement that would address the removal of waste-impacted soil from Lot 6 should the property owner chose to conduct activities as part of a separate and distinct private project on Lot 6, possible reimbursement of trucking and disposal costs, and a lot line adjustment transferring property from the City parcel to the Lot 6 parcel; and

WHEREAS, the City and the owner of Lots 7 and 8 are having discussions related to an agreement similar to the agreements under discussion with respect to Lots 6 and 10; and

WHEREAS, City staff have prepared preliminary construction plans to remediate the Project Site and submitted them to the LEA as part of the RAP; and

WHEREAS, construction plans need to be finalized based on the quantity of waste-impacted soil from adjacent properties to be accepted on the Project Site based on ongoing discussions and potential agreements with property owners of Lots 6, 7, 8, and 10 as identified herein; and

WHEREAS, after construction plans are finalized, public advertisement for bids to complete the work at the Project Site are required; 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, the City of Napa Utilities Department prepared an Initial Study for the Project which concludes that the Project, with incorporation of certain mitigation measures, will not have a significant effect on the environment; therefore, a Mitigated Negative Declaration has been prepared for adoption; and

WHEREAS, the City of Napa prepared a Draft Initial Study/Mitigated Negative Declaration for the Project, pursuant to CEQA and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Napa CEQA Guidelines, which is attached to the staff report as Attachment 2; and

WHEREAS, the City of Napa posted a Notice of Intent to Adopt a Mitigated Negative Declaration which identified the review period from July 10, 2025, to August 8, 2025, for review and comment by the public and public agencies having jurisdiction by law with respect to the Project; and

WHEREAS, within the review period, two comment letters were received from residents in the Hidden Glen neighborhood and one comment letter was received from the California Department of Transportation; and

WHEREAS, City staff have prepared responses to comments and made minor modifications to the Mitigated Negative Declaration document as part of the Final Initial Study/ Mitigated Negative Declaration, which is attached to the staff report as Attachment

6 and is also available for review upon request at the City of Napa Utilities Department, 1700 Second Street, Suite 100, Napa, CA 94559 and incorporated herein by reference ("Final Initial Study/Mitigated Negative Declaration") and a Mitigation Monitoring and Reporting Program attached hereto as Exhibit A and incorporated herein by reference ("MMRP"); and

WHEREAS, on September 2, 2025, the City Council considered the Final Initial Study/Mitigated Negative Declaration and MMRP and all written and oral testimony submitted to it at a noticed public hearing on the Project, 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 Final Initial Study/Mitigated Negative Declaration.

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

Section 1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution. The record of Project's environmental review shall be kept at the City of Napa Utilities Department, 1700 Second Street, Suite 100, Napa, CA 94559.

Section 2. After reviewing the Final Initial Study/Mitigated Negative Declaration, all written and oral comments received on the Draft Initial Study/Mitigated Negative Declaration and all responses to such comments, the City Council hereby finds that the Final Initial Study/Mitigated Negative Declaration and MMRP contain a complete and accurate reporting of all the environmental impacts associated with the Project and finds, based on its independent review and analysis: (i) that the Final Initial Study/Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence in the administrative record supporting a fair argument that the Project may have a significant effect on the environment. The City Council further finds that no new significant environmental impacts have been identified in the Final Initial Study/Mitigated Negative Declaration and any changes to the Final Initial Study/Mitigated Negative Declaration in response to comments or otherwise do not constitute substantial revisions requiring recirculation under CEQA Guidelines section 15073.5.

Section 3. The City Council hereby adopts the Final Initial Study/Mitigated Negative Declaration attached to the staff report as Attachment 6 and incorporated herein by reference and approves the MMRP for the Project attached hereto as Exhibit "A."

Section 4. The City Council hereby authorizes staff to finalize the construction plans for the Hidden Glen Remediation Project and to publicly advertise the Hidden Glen Remediation Project for bids.

Section 5. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the City of Napa Office of the City Clerk, 955 School Street, Napa, CA 94559. This information is provided in compliance with Public Resources Code Section 21081.6

ATTACHMENT 1

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 2nd day of September, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Christopher Diaz
Interim City Attorney

EXHIBIT A

BROWNS VALLEY SUBDIVISION PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM – NAPA HIDDEN GLEN REMEDIATION PROJECT (SCH NO. 2025070497)

Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
AIR QUALITY			
<p>Mitigation Measure AQ-1: The applicant shall implement the following during construction of the Project:</p> <ul style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material off site shall be covered. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 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. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted wood chips, mulch, or gravel. A publicly visible sign shall be posted with the telephone number and the person to contact the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. 	City of Napa Utilities Department	During construction activities	
BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: To avoid potential impacts on nesting birds, the following protection measures shall be implemented:</p> <ul style="list-style-type: none"> Preconstruction nesting bird surveys shall be completed from February 1- August 31. A survey shall be completed within 7 days before the beginning of Project-related activities. The survey area shall include the Project site and an appropriate buffer around the site to identify any nesting that could be impacted directly or indirectly by the Project-related activities. The survey shall follow established nesting search protocols described in Martin and Geupel (1993) and CDFW and USFWS protocols, where appropriate. If the qualified biologist finds no active nests or breeding activity indicating nests are present, then work can proceed without restrictions. If there is a lapse in Project-related activities for 7 days or more, then a follow-up survey may be required per the recommendations of the qualified biologist. If active nests are identified during the survey and the nests are within the Project site or the buffer area and nesting would be adversely affected, a "No Work Zone" buffer area shall be demarcated 	City of Napa Utilities Department	Prior to construction activities	

MITIGATION MONITORING AND REPORTING PROGRAM – NAPA HIDDEN GLEN REMEDIATION PROJECT (SCH NO. 2025070497)

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<p>around each nest site by the qualified biologist. Buffer distances for each bird nest shall be site-specific and established to protect the bird's normal behavior to prevent nesting failure or abandonment. The buffer distance shall vary by species, nest location, existing visual and topographical buffers, and intensity and extent of the construction-related disturbance. The buffer area may be as small as 25-50 feet for common, disturbance-adapted species or much larger (e.g., 100-250 feet) for sensitive species like raptors and owls. The "No Work Zone" shall be established in the field with flagging, fencing, or other appropriate material and shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive due to predation or other natural causes as determined by the qualified biologist. The qualified biologist shall continue to monitor the behavior of the birds at the nest site during construction activities to ensure that they are not disturbed by the project work. Nest monitoring shall continue until the nesting attempt is complete. If state and/or federally-listed birds are found breeding within the area, consultation with the CDFW and USFWS may be required.</p> <ul style="list-style-type: none"> If initial ground-disturbing activities occur outside of the nesting season (September 1 through January 31), then a preconstruction survey would not be required, and construction could begin unimpeded. 			
<p>Mitigation Measure BIO-2: To avoid potential impacts on roosting bats, the following protection measures shall be implemented:</p> <ul style="list-style-type: none"> Before tree removal/trimming (branches over 12" Diameter at Breast Height [DBH]), a qualified biologist shall survey for potential bat roosts and occupied habitats. If active bat roosts are identified within the trees to be removed, the disturbance shall not be allowed until the roost is abandoned or unoccupied. If tree trimming/removal is postponed or interrupted for more than two weeks from the date of the initial bat survey, the biologist shall repeat the pre-construction survey. Tree removal or trimming is recommended from September 1 to October 15 or March 1 to April 15 to avoid the bat maternity roost and winter hibernation season. To the extent feasible, tree work should be avoided between April 15 and September 1 during the maternity roost season [bats are especially vulnerable during this period when females are nursing pups, and the pups are non-volant (not capable of true flight)]. 	City of Napa Utilities Department	Prior to tree removal and trimming activities	
<p>Mitigation Measure BIO-3: To avoid the potential impact associated with a potential conflict with City tree preservation policies, the following shall be implemented:</p> <ul style="list-style-type: none"> Prior to tree removal, the DBH of protected trees proposed for removal shall be confirmed and documented. For every 6 inches of DBH or fraction thereof removed, two trees of the same species shall be planted on or offsite within the City. Tree planting shall be completed by the City within one year of tree removal in a location to be determined and at the City's discretion. 	City of Napa Utilities Department	Prior to tree removal activities	

MITIGATION MONITORING AND REPORTING PROGRAM – NAPA HIDDEN GLEN REMEDIATION PROJECT (SCH NO. 2025070497)

Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
CULTURAL RESOURCES			
Mitigation Measure CUL-1: In the event that cultural resources are discovered, regardless of significance, all work shall be halted within a 50-foot radius of the discovery and a qualified archaeologist shall be immediately notified. Any soil or cultural or tribal cultural resources that have been removed shall be retained in as close to the original context as possible until reviewed by a qualified archaeologist and applicable tribal representative. Work shall continue outside of the 50-foot buffer around the discovery. If the find is deemed not significant by the qualified archaeologist and applicable tribal representative, work shall resume within the 50-foot buffer. If the find is deemed significant by the qualified archaeologist, additional work, such as shovel testing or data recovery, shall be required and shall be determined through consultation with the City, State Historic Preservation Office, regulatory agencies, affiliated Tribal governments, or other stakeholders, as appropriate.	City of Napa Utilities Department	During construction activities (if cultural resources are discovered)	
Mitigation Measure CUL-2: In the event of discovery or recognition of any human remains, the stipulations of State of California Health and Safety Code Section 7050.5 shall be followed to treat the discovery. The Napa County Coroner shall be notified immediately of the discovery of human remains and no further disturbance shall occur in the area of the discovery until the Napa County Coroner has made a determination of origin and disposition of the remains pursuant to PRC Section 5097.98. If the human remains are determined to be of Native American origin, the Coroner shall notify the NAHC, who will determine and notify a Most Likely Descendent (MLD). Treatment of the remains should be determined in consultation with the MLD and appropriate regulatory agencies.	City of Napa Utilities Department	During construction activities (if human remains are discovered)	