

Project Revision Statement & Mitigation Monitoring and Reporting Program
(Environmental Review)

Napa 34 Holdings Commerce Center

Use Permit and Variation to Development Standards Application № P09-00329-UP and
Tentative Parcel Map and Lot Line Adjustment Application № P09-00330-TPM
Assessor's Parcel №: 057-210-056
No Current Address, the Napa-Vallejo Highway, Napa, Calif. 94558

I hereby revise my request to include the mitigation measures specified below:

AIR QUALITY

1. All construction-phases of the subject project shall incorporate the following BAAQMD construction-related emissions management practices:
 - Water all active construction areas at least twice daily.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
 - Limit traffic speeds on unpaved roads to 15 mph.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.
 - Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
 - Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
 - Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
 - Limit the area subject to excavation, grading and other construction activity at any one time.

Method of Mitigation Monitoring: Prior to the issuance of a building or grading permits, the applicant's contractor shall submit a construction-related emissions best management practices program, incorporating (without limitation) all of the above requirements for the review and approval of the Planning Division. Site inspections undertaken by the Planning Division, the Building Division, and the Department of Public Works will ensure compliance with the approved best management practices program.

BIOLOGICAL RESOURCES

2. To avoid potential losses to nesting raptors, migratory birds protected under the Migratory Bird Treaty Act, and special status bird species, construction activities shall occur outside the critical breeding period from March through August. If construction is proposed to occur during the breeding period, the site shall be surveyed for active nests by a qualified Biologist no more than 30 days prior to commencing construction activities. If active nests are found, the nest location and a buffer area designated by the biologist in consultation with the California

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Method of Mitigation Monitoring: The permittee shall have a nesting bird survey completed prior to any construction activities scheduled to occur on the site from the beginning of March through August. The survey results shall be provided to the Napa County Conservation, Development, and Planning Department (Planning Department). In the event that nesting sites are found, the nest location and a buffer area designated by the biologist in consultation with the California Department of Fish and Game shall be mapped, and no work shall be undertaken in buffer until the nest has been vacated.

3. To avoid potential losses to the Western Burrowing owl, a nesting survey shall be conducted by a qualified Biologist no more than 30 days prior to commencing construction activities. If active nests are found, the nest location and a buffer area designated by the biologist in consultation with the California Department of Fish and Game, shall be avoided until the nest has been vacated. If no nests are found on the project site construction activities could proceed without further surveys.

Method of Mitigation Monitoring: The permittee shall have a nesting western Burrowing owl survey completed prior to any construction activities scheduled to occur on the site from the beginning of March through August. The survey results shall be provided to the Napa County Conservation Development and Planning Department. In the event western burrowing owls are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods.

4. Prior to the issuance of a building or grading permit, final protocol-level survey reports for vernal pool crustaceans and California red legged frog shall be submitted for the review and approval of the Napa County Planning Department, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service. A final Swainson's hawk nesting and foraging analysis shall likewise be provided for the review and approval of the Planning Department and the California Department of Fish and Game proposing, as necessary, specific mitigations consistent with Department of Fish and Game standards.

Method of Mitigation Monitoring: Mitigation Measure № 3 requires submission of final protocol level survey results and Swainson's hawk habitat analysis consistent with DFG policies prior to the issuance of a building or grading permit. If the mitigation measures are not complied with, no development permit will be issued.

5. Prior to issuance of a building or grading permit the project proponent shall provide documentation from the Army Corps of Engineers indicating that one or more of the following measures will, or has, occurred and is, or will, be considered mitigation to address proposed conversion of jurisdictional wetlands.
 - a. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, on the project site by enhancing existing wetlands or creating new wetlands to provide for no net loss of wetlands function. The applicant's biologist indicates on site mitigation using proposed drainage facilities such as a detention basin or vegetated swales is a viable option for restoring wetlands function although the acceptability of such to the Corps and/or RWQCB cannot be guaranteed; or,
 - b. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by off-site creation or enhancement of wetlands in Napa County consistent with state and federal policies providing for no net loss of wetland function; or
 - c. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by purchase of wetlands creation or preservation credits in an existing or future wetlands bank that "services" Napa County, consistent with state and federal policies providing for no net loss of wetland function; or
 - d. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by financial participation in an existing wetlands enhancement or creation project in Napa County sponsored by a state, federal or County

agency such as the Napa County Resource Conservation District (RCD) consistent with state and federal policies providing for no net loss of wetland function. Or,

- e. a combination of the above measures, which in aggregate meets the prescribed ratio dictated by the Corps and/or RWQCB.

Method of Mitigation Monitoring: Any required wetland mitigation shall be in place prior to the issuance of building or grading permits. The project proponent shall demonstrate to the satisfaction of the Planning Department that all wetland mitigation has been approved by the Corps and has been initiated. The terms and conditions of wetland protection, replacements and performance criteria are subject to Corps concurrence and may be modified.

- 6. Prior to issuance of a building or grading permit, the project proponent shall provide documentation from the California Department of Fish and Game that a 1602 permit has been issued or that said department does not deem such permitting necessary. The terms and conditions of that permitting are subject to Fish and Game concurrence and may be modified as deemed necessary by that department.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of evidence of project compliance with DFG 1602 permit requirements prior to the issuance of a building or grading permit. If such evidence is not submitted, no development permit will be issued.

- 7. Prior to issuance of a building or grading permit, the project proponent shall submit final revised landscape plans which include in-like-kind replacement of all trees to be removed as a result of the project for the review and approval of the Planning Director. Tree replacement shall occur at a ratio of 3:1 if replacement trees are smaller than 24" box in size or at a ratio of 2:1 if replacement trees are sized at 24" box or greater. The final determination as to whether or not proposed replacement plantings are "in-like-kind" shall be made by, and solely at the discretion of, the Planning Director or her designee.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of final revised landscape plans incorporating replacement tree details prior to the issuance of a building or grading permit. If such plans are not submitted, no development permit will be issued.

HYDROLOGY AND WATER QUALITY

- 8. Prior to the issuance of a building permit, a grading permit, or the recordation of a final parcel map, the permittee shall submit a binding drainage system/wetland maintenance plan for the review and approval of the Departments of Public Works and Planning. The submitted plan shall stipulate an ongoing maintenance regime (including, without limitation, financing details and implementation/enforcement measures such as CC&Rs and/or third party conservations easements) for the integrated project area wetland and drainage system. The submitted maintenance plan shall be consistent with the *Napa County Post Construction Runoff Management Requirements* manual adopted by the Board of Supervisors on June 3, 2008, and in particular with Chapter 5 at p. 14, Implementation and Maintenance of Requirement.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of an acceptable maintenance plan prior to the issuance of a building or grading permit or the recordation of a final parcel map. If such plans are not submitted or are not approvable, no parcel map may be recorded and no development permit will be issued.

PUBLIC SERVICES

- 9. Prior to the issuance of a building or grading permit, the permittee shall submit final fire hydrant plans for the review and approval of the Fire Marshal.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of acceptable hydrant plans prior to the issuance of a building or grading permit. If such plans are not submitted or are not approvable, no development permit will be issued.

TRANSPORTATION/TRAFFIC

10. Prior to County authorization of a building permit, the permittee shall submit payment of Napa County's traffic mitigation fee in accordance with the Board Resolution then-operative, fees are based on the number of vehicle trips generated by the project in the PM peak traffic period as established via the project traffic study.

Method of Mitigation Monitoring: This Mitigation Measure requires deposit of required traffic impact mitigation fees prior to the issuance of a building permit. If required fees are not submitted, no building permit will be issued.

11. As discussed in the project traffic study, the following parking spaces, situated on the curves of internal drive aisles around project buildings F and H, could create internal circulation problems and shall be reserved for "employees only," thereby limiting in/out maneuvers adjacent to impacted drive aisle curves:
- five parking spaces at the northeast corner of Building F on the entrance curve;
 - two parking spaces at the southeast corner of Building F on the exit curve;
 - five parking spaces at the northwest corner of Building H on the entrance curve; and
 - three parking spaces at the southeast corner on Building H on the inside curve.

Method of Mitigation Monitoring: No certificate of occupancy will be issued for the project unless the requirements of this mitigation measure have been complied with.

12. The project shall incorporate the turn lane construction, road widening, and other improvements at and adjacent to the Airport Boulevard/Devlin Road intersection outlined under "Airport Boulevard/Devlin Road Intersection" at page 21 of the final project traffic study.

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works, along with other relevant agencies. No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

13. As discussed in the project traffic study, this project may have significant impacts at the Soscol Ferry/Devlin Road intersection. Whether through the payment of impact fees or through some other fair-share method duly adopted at the time of any such construction, the permittee and his/her successors in interest shall contribute to the cost of signalization at the Soscol Ferry/Devlin Road intersection should the County deem it necessary to install traffic signals at that intersection at some point in the future.

Method of Mitigation Monitoring: Monitoring and implementation of this mitigation measure will have to be built in to any program, adopted at some later date, to require contributions to signalization projects then-undertaken. In the interim, traffic mitigation fees are required and if required fees are not submitted, no building permit will be issued.

14. The project shall incorporate improvements to signals at the Airport Boulevard/Devlin Road to create a "northbound right-turn overlap phase" as outlined under "Airport Boulevard" at page 22 of the final project traffic study.

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works (along with other relevant agencies). No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

15. The project shall incorporate the turn lane construction, road widening, and other improvements at and/or adjacent to the Airport Boulevard/Ca-29 intersection as required by the Department of Transportation in their letter of March 3, 2010. To wit, "the project must include extending the existing northbound left turn lane at the state

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works and the California Department of Transportation. No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

UTILITIES and SERVICE SYSTEMS

- 16. The permittee shall pay all updated water capacity and impact fees to provide funding for the City of American Canyon to acquire additional long-term water resources and improve and develop its treatment and distribution system. The fees will allow for the City to exercise additional options for potable water capacity from the City of Vallejo and/or other sources, and will also provide for implementation of the recycled water system, helping to reduce the impact of additional water demand to a less than significant level.

Method of Mitigation Monitoring: Payment of fee is required prior to the issuance of a building permit.

- 17. The project shall contribute to City of American Canyon Short-term Water Supply Mitigation, as set forth in the City's *Water Supply Report*, pages 16 and 17, Table 2, as non-refundable payments to the water operations fund to allow the City to acquire dry year water if necessary. If the long-term mitigations are not in place prior to the 2011-2012 water year, the project shall continue to make annual non-refundable payments until the short-term impacts are mitigated by completion of long-term improvements.

Method of Mitigation Monitoring: Payment of fee is required prior to the issuance of a building permit.

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of §66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

		
Signature of Owner	Print Name	Interest