

Exhibit A

FINDINGS

Napa 34 Commerce Center

Use Permit and Variation to Development Standards Application № P09-00329-UP and Tentative Parcel Map Application № P09-00330-TPM

ENVIRONMENTAL DETERMINATION

The Conservation, Development, and Planning Commission (Commission) has received and reviewed the proposed Mitigated Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. Prior to taking this action, the Commission read and considered said Mitigated Negative Declaration.
2. The Mitigated Negative Declaration recommended by the Commission is based on independent judgment exercised by the Commission.
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. Considering the record as whole, there is no substantial evidence that the project will have a significant effect on the environment.
5. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. Records are located at the Napa County Conservation, Development, and Planning Department, 1195 Third Street, Room 210, Napa, California.
6. Considering the record as whole, there is no evidence that the project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.

USE PERMIT

The Commission has reviewed the use permit modification request in accordance with the requirements of the Napa County Code §18.124.070 and makes the following findings:

7. The Commission has the power to issue a use permit under the Zoning Regulations in effect as applied to the Property. The project is consistent with the 1986 Airport Specific Plan, and is consistent with the Industrial Park: Airport Compatibility Combining (IP:AC) zoning district regulations which permit light industrial, warehousing, manufacturing, and office uses upon grant of a use permit. The project site is located in Zone D of the Airport Land Use Compatibility Plan which also allows the proposed uses.
8. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code have been met. The use permit application has been filed and noticing and public hearing requirements have been met. The hearing notice and notice of availability of the proposed Mitigated Negative Declaration were posted on March 22, 2010 and copies of the notice were forwarded to property owners within 300 feet of the Property. The CEQA public comment period ran from March 22 through April 20, 2010.
9. The grant of a use permit, as conditioned, will not adversely affect the public health, safety, or welfare of the County of Napa. Various County departments have reviewed the project and commented regarding grading, drainage, access, parking, building permits, and fire protection. The City of American Canyon and the Napa Sanitation District have agreed to provide public water and sewer service, respectively. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.
10. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan and the Airport Industrial Area Specific Plan.

With the requested variations to standards, the proposed use is consistent with the Industrial Park: Airport Compatibility Combination (IP:AC) zoning district regulations, as conditioned, including setbacks, landscaping, building height, parking requirements, lot coverage and floor area ratio.

The General Plan designates the airport area for industrial development. The project site is located within the General Plan land use designation Industrial and within the Business/Industrial Park designation of the 1986 Airport Industrial Area Specific Plan (AIASP,) which allow the proposed use. The project site is also within Compatibility Zone D of the Napa County Airport Land Use Compatibility Plan, which also allows the proposed use. The AISAP has been reviewed for project consistency. The proposed use is consistent with the goals, requirements, standards and policies in the General Plan, the AIASP, and the Airport Land Use Compatibility Plan.

The goals established by the General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to plan for industrial land uses in locations that are compatible with adjacent uses and agriculture. Overall, the project was evaluated for and found to be consistent with General Plan policies concerning industrial land uses (enumerated below at the conclusion of these findings).

11. The proposed use will not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County (unless said use would satisfy any of the waiver criteria specified at §§ 13.15.070 and 13.15.080 of the Napa County Code.) The City of American Canyon will provide water service and the Napa Sanitation District will provide sewer service. "Will serve" letters have been issued by both jurisdictions indicating that they have adequate capacity to serve the project.

VARIATION TO DEVELOPMENT STANDARDS

The Commission has reviewed the use permit variation to development standards request in accordance with the requirements of Napa County Code §18.40.250, and makes the following findings:

12. The development plan results in a project that is superior in terms of design and environmental impacts when compared to a project processed under the development standards otherwise specified. The Industrial Park zoning district allows a wide variety of warehousing, distribution, light industrial, manufacturing, and office uses. This project consists of predominantly warehousing/distribution and office areas. The project includes a total of 740 automotive parking spaces, plus a further 80 bicycle spaces (of which 32 will be located in secure weatherproof bike lockers). The AIASP would require

750 parking spaces for a development of this scale, meaning that a waiver from parking requirements is technically required for the project. Submitted site plans indicate where and how ten additional parking stalls could be created outside of required setbacks should they become necessary in the future. At 740 spaces, on-site parking will be more than adequate. Providing the total number of spaces required by the Code would result in more paving/impervious surfaces on the site, which increase aesthetic and environmental impacts.

The proposed Airport Boulevard driveway conflicts with AIASP Circulation Element Section D-2 (*Internal Circulation System Layout*, p.90) requirements that; "No direct access to local properties should be permitted from Airport Road (sic- Airport Boulevard). These properties should be accessed from new collector streets which intersect with Airport Road." The driveway would be right-in, right-out only, the large wetland area represents a particular hardship for this site, forbidding construction of a driveway on Airport Boulevard would substantially degrade traffic function at the other project driveways on an extended Devlin Road, the proposed driveway would not impact potential future Caltrans interchange improvements at the intersection of Highway 29 and Airport Boulevard, and constructing a bridge to create an interior connection between the two halves of the site would be infeasible.

13. The development plan results in a cohesive design and treatment of the site, including architecture, landscaping, signage and lighting. The project has a high quality design indicative of Industrial Park standards with high quality architecture, landscaping, signage, and lighting.
14. The orientation and location of buildings, structures, open space and other features of the site plan protect and enhance existing natural resources or site features including significant existing vegetation and maintain and enhance existing views from and through the site. 50 mature trees are proposed to be removed, including 46 Coast live oaks and 4 Blue gum eucalyptus. As required by the project mitigated negative declaration, replacement plantings for the native Coast live oaks will be in-like-kind, at a 2:1 ratio, and in at least a 24" box size. Alternately, the mitigation measure would allow tree replacement in-like-kind at a ratio of 3:1 and in at least a 15 gallon size. The main wetland, which bisects the parcel, is to be permanently preserved (along with more than two acres of buffer area) and enhanced as a component of the project's stormwater pollution prevention plan. While the project will be prominently visible from Highway 29, the architecture of the proposed facility is of a high standard and

unattractive and inappropriate signage features included in submitted plans have been relabeled as illustrative.

15. The overall project is consistent with the intent, purpose and applicable standards of the Napa County Airport industrial area specific plan. The Specific Plan seeks to promote business park and light industrial uses and has designated this area for development for over 20 years. Except for the requested variations to development standards, the proposed project is fully consistent with the Airport Industrial Area Specific Plan.
16. The site plan minimizes the effect of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities. Traffic impacts have been analyzed and mitigated to a less than significant level in the project mitigated negative declaration. The parking proposed for the development will be fully adequate for the uses anticipated to locate at the complex.
17. The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate and other incentive provisions considered which encourage non-automotive travel. The project complies with all standards for alternative transportation. Bicycle parking are incorporated into the project.
18. The site shall provide open space and landscaping which complement buildings and structures. Said open space shall be provided in a manner so as to be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy. The project has landscaping that generally exceeds minimum requirements and is indicative of other upscale development in the business park. The landscape provides outdoor areas that can be utilized by employees and visitors to the site.

19. Design of the site plan and proposed structures shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures shall take into account maintenance of view. Rooftop mechanical equipment shall be incorporated into the roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic control devices, transformer vaults and electrical meters shall be accessible and screened. The design of the project exceeds the design standards of the Industrial Park district and should represent an example of high quality development in the Airport area.
20. Signs, lighting fixtures, landscape improvements and similar common area features shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the building or structures to which they are attached. Multiple signs on a given site shall be of a consistent design theme. No signage is approved at this time. Future signage will be subject to comprehensive sign program review and approval. Signage akin to the oversized wine glass and barrels shown in submitted plans is not, and will not be, approved.
21. Provisions have been made for the permanent use and maintenance of parking areas and other common area fixtures used jointly by owners of the parcels included within the development plan. (Ord. 1234 § 10, 2004). Each property owner will be a member of an owners association and will be expected to meet all obligations related to maintenance of the common area features such as landscaping and parking.
22. The proposed modifications, considered together with the site specific mitigation measures and restoration where necessary, will provide superior overall aesthetic, environmental, and/or economic benefit that the minimum development standards set forth in the Specific Plan. All potential environmental impacts have been appropriately mitigated. The design of the project meets or exceeds the design requirements of the Airport Industrial Area Specific Plan resulting in project which is aesthetically superior to the type of project which could be constructed if requested parking reductions and driveway access exemptions were not approved.

23. The proposed modifications are consistent with applicable airport safety regulations; they pertain to reducing on-site parking and exemptions from driveway location restrictions that do not directly affect airport safety.

TENTATIVE PARCEL MAP

Pursuant to Napa County Code § 17.14.060, the Commission shall deny approval of a tentative map if it makes any of the following findings:

24. *That the proposed map is not consistent with applicable general and specific plans. A proposed subdivision shall be deemed consistent with the Napa County General Plan and any applicable specific plan the County has officially adopted for the area where the land is located if the proposed subdivision or related land uses are compatible with objectives, policies, general land uses and programs specified by such plan or plans.*

Analysis: The project site is designated as Industrial on the adopted Land Use Element of the Napa County General Plan, is within the Business/Industrial District of the Airport Industrial Area Specific Plan (AIASP) and is zoned IP:AC – Industrial Park: Airport Compatibility. The project is consistent with the General Plan and AIASP designations, as well as the IP:AC zoning district regulations that apply to this property. The proposed building and site improvements associated with the use permit are consistent with applicable County regulations.

25. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

Analysis: The tentative parcel map would create 11 parcels ranging in size from 0.2 to 7.2 acres. Each of the eight industrial park buildings would be located on a separate parcel and would include all associated parking areas. Three additional parcels would be dedicated to stormwater treatment and wetland preservation. Overall, the proposed parcel map is consistent with the General Plan and the AIASP.

26. *The site is not physically suitable for the type of development.*

Analysis: The property is located within the IP zoning district and is located within a developing industrial park. The proposed project is consistent with development standards contained in the zoning ordinance and the AIASP.

Located near two state highways, rail service and a regional airport, the site is physically suitable for the proposed development.

27. *The site is not physically suitable for the proposed density of development.*

Analysis: The existing site is currently designated for office/industrial development in the General Plan and the AIASP. The site is generally level and has urban services provided, including public water and sewer. The proposed subdivision does not increase the acceptable density or intensity anticipated by the Zoning Ordinance and AIASP. The extent of potential development on this site will not change as a result of the subdivision.

28. *The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

Analysis: An Initial Study and Mitigated Negative Declaration were prepared for the project which finds that the proposed project will not have a significant impact on any special status plant or animal species or wetlands or wildlife corridors on the project site or within the immediate vicinity. The design of the tentative parcel map will not injure fish or wildlife or their habitat.

29. *The design of the subdivision or the type of improvements is likely to cause serious public health or safety problems.*

Analysis: The proposed development and the proposed tentative parcel map are consistent with the IP:AC zoning district and Airport Industrial Area Specific Plan. All public utilities and improvements, including water, sewer, and storm drains are consistent with the AIASP. The project includes the extension of Devlin Road, a public street, consistent with the Napa County General Plan and AIASP.

30. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Analysis: There will be no conflict with easements acquired for the public. Abandonment to 15' of an existing 60' public utilities easement at the southern

edge of the property has been analyzed and found acceptable by the County Surveyor and the Department of Public Works.

GENERAL PLAN POLICIES

The Commission finds this project fully consistent with the following General Plan policies:

- Policy AG/LU-37** The County will locate industrial areas adjacent to major transportation facilities. Necessary utilities and services, including child care centers, will be planned to meet the needs of the industrially zoned areas.
- Policy AG/LU-38** The Airport Industrial Area Specific Plan (AIASP) was adopted in 1986 to set forth detailed land use and circulation standards, capital improvement requirements, associated financing, and improvement sequencing measures, as well as necessary supporting policies and regulatory procedures for the industrial area near Napa County Airport. The AIASP, as amended, implements the General Plan in the Airport Industrial Area.
- Policy AG/LU-39** The County will plan for the reservation of sufficient industrial property to satisfy future demands for orderly growth and economic development of the County. Non-agriculturally oriented industry shall not be located on productive agricultural lands, but should be located in areas more suitable for industrial purposes.
- Policy AG/LU-93** The County supports the continued concentration of industrial uses in the South County area as an alternative to the conversion of agricultural land for industrial use elsewhere in the county.
- Policy AG/LU-95** New land uses in the South County Industrial Areas shall be compatible with or buffered from adjacent industrial uses and consistent with the Land Use Compatibility Plan for Napa Airport.
- Policy AG/LU-96** The Airport Industrial Area is planned for industrial and business/industrial park uses that support agriculture and meet industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan. In 2004, the Airport Industrial Area Specific Plan was amended to recognize two hotels which were subsequently approved for construction. Further commercial uses in the area shall be limited to local-serving uses that support or serve the industrial and business park uses.

- Policy CON-13** The County shall require that all discretionary residential, commercial, industrial, recreational, agricultural, and water development projects consider and address impacts to wildlife habitat and avoid impacts to fisheries and habitat supporting special-status species to the extent feasible. Where impacts to wildlife and special-status species cannot be avoided, projects shall include effective mitigation measures and management plans.
- Policy CON-14** To offset possible losses of fishery and riparian habitat due to discretionary development projects, developers shall be responsible for mitigation when avoidance of impacts is determined to be infeasible. Such mitigation measures may include providing and permanently maintaining similar quality and quantity habitat within Napa County, enhancing existing riparian habitat, or paying in-kind funds to an approved fishery and riparian habitat improvement and acquisition fund. Replacement habitat may occur either on- site or at approved off-site locations, but preference shall be given to on-site replacement.
- Policy CON-44** The County shall identify, improve, and conserve Napa County's surface water resources through the following measures:
- a) Evaluate and develop land use policies resulting in the appropriate density and mix of impervious surface and stable vegetation cover to improve water quality and reduce surface water pollution and siltation within domestic water supply watersheds.
- Policy CON-60.5** All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.
- Policy CON-72** The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

Policy CON-77 All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD's air quality improvement programs to reduce emissions. In addition to these policies, the County's land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County's land use policies also contribute to efforts to reduce air pollution.

Policy CON-81 The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD.

Policy SAF-20 All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for residents and emergency vehicles.
- 5) Site-specific built-in fire protection.
- 6) Potential impacts to emergency services and fire department response.