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Previous Approvals

P10-00189

Conservation, Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director



A Tradition of Stewardship
A Commitment to Service

August 17, 2010

Mr. David Busby
Busby Enterprises, Inc.
455 Technology Way
Napa, CA 94558

Re: WALKENHORST WAREHOUSE & DISTRIBUTION BUILDING
Use Permit Modification (#P10-00189-MOD)
SW/c Technology Way and Technology Court (APN: 057-210-022)

Dear David:

Your request for a Minor Modification (P10-00189-MOD) to the previously approved Use Permit (P09-00153-UP) for the Walkenhorst Warehouse and Distribution Building has been considered by the Zoning Administrator. The request consists of modifying the previous project approval to construct a n addition at the rear of the building, a new mezzanine, and other site improvements. Please be advised that your request has been has been **APPROVED** by the Zoning Administrator subject to the conditions of approval attached as Exhibit A, and as follows:

The Director found that the proposed modification is within the scope of the potential environmental affects assessed by the Walkenhorst Warehouse and Distribution Building Mitigated Negative Declaration, there are no substantial changes to the project or circumstances under which the project is being undertaken, there is no new substantial information, and no further environmental review is required.

This approval becomes effective immediately unless an appeal is filed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by another, you will be notified.

EXPIRATION DATE: August 17, 2012

Pursuant to Section 18.124.080 of the Napa County Code, the use permit modification must be activated within two (2) years, or it shall automatically expire and become void on the expiration date of the

noted above. This letter serves as the only notice you will receive regarding the expiration date of your permit. **Please note: the original use permit for this project expires March 3, 2012.**

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

BUILDING PERMITS ARE REQUIRED PRIOR TO COMMENCING ANY CONSTRUCTION. Should you have any questions, please contact me at (707) 253-4417 or by e-mail: strippi@co.napa.ca.us.

Sincerely,

John McDowell
Zoning Administrator

A handwritten signature in black ink, appearing to read "Sean Trippi".

By: Sean Trippi
Principal Planner

**NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
CONSERVATION & DEVELOPMENT PLANNING COMMISSION**

**CONDITIONS OF APPROVAL
WALKENHORST WAREHOUSE & DISTRIBUTION BUILDING
USE PERMIT MINOR MODIFICATION (#P10-00189-MOD)
APN: #057-210-022**

1. SCOPE:

- a) This approval is limited to the following:
 - a 2,794 sq. ft. building addition at the rear of the building;
 - a new 4,743 sq. ft. mezzanine;
 - a building height change from 30feet to 28-feet;
 - replacing a grade level loading door with a depressed loading dock; and,
 - eliminating one parking space for a total of 131 on-site parking spaces (52 required by Code)
- b) The site improvements shall be designed in substantial conformance with the submitted site plan and other submittal materials, except as modified by these conditions of approval. It is the responsibility of the applicant to communicate the requirements of these conditions to all designers, contractors, and employees to ensure compliance is achieved. Any expansion or change in use, or project changes, which are necessitated by the requirements of other department or agencies, are subject to further County approval.
- c) The activities/improvements permitted on the site are limited to those shown on the plans and information submitted with the Modification application. Any substantial change in use is subject to review and approval as determined by the CDPD Director in accordance with the Zoning Ordinance and Airport Industrial Area Specific Plan.
- d) Plans submitted for building permits shall be in substantial compliance with the plans approved with this action, except as modified by these conditions of approval.

2. PREVIOUS CONDITIONS/MITIGATION MEASURES:

The permittee shall comply with all applicable conditions of approval and mitigation measures which were included in the previously approved use permit (project number #P09-00153-UP). To the extent there is a conflict between this modification and the prior use permit, this modification and these conditions of approval shall control.

3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The applicant shall comply with applicable development standards of the 1986 Airport Industrial Area Specific Plan and the Industrial Park: Airport Combining (IP: AC) zoning regulations and all other applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:

- a) Department of Environmental Management memo dated July 26, 2010.

- b) Department of Public Works original memo dated November 6, 2009.
- c) Napa County Fire Department memo dated July 6, 2010.
- d) Building Division memo dated August 13, 2010.
- e) City of American Canyon comments dated July 14, 2010.
- f) Napa Sanitation District comments dated July 14, 2010.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Departments and Agencies shall be determined by those Departments or Agencies. The inability to substantially comply with the requirements of other County Departments and Agencies may result in the need to modify the approved use permit.



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Environmental Management

1195 Third Street, Suite 101
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4471
Fax: (707) 253-4545

Steven Lederer
Director

MEMORANDUM

To: Napa County Planning Department, Hillary Gitelman, Planning Director	From: Kim Withrow, Senior Environmental Health Specialist
Date: July 26, 2010	Re: Application for Walkenhorst Use Permit Modification Located at SWC Technology Ct/Technology Way Assessor Parcel # 057-210-022 File # P10-00189

We have reviewed the submitted application and recommend approval. Conditions of approval detailed in memo dated April 21, 2009 still apply (*see attached*).

RECEIVED

JUL 27 2010

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

cc: Sean Trippi, CDPD
Doug Calhoun, Environmental Health Supervisor
David Busby, Busby Enterprises, Inc., 455 Technology Way, Napa, CA 94558
Stewart Walkenhorst et al., 1774 Industrial Way, Napa, CA 94558



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Steven Lederer
Director

MEMORANDUM

To: Napa County Planning Department Hillary Gitelman, Planning Director	From: Napa County Environmental Management Department Christine Secheli, Assistant Director
Date: April 21, 2009	Re: Use Permit Application for Busby Enterprises Inc. Warehouse Located at SWC Technology Way Assessor Parcel # 057-210-022 File #P09-00153

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. All businesses must submit the required Business Activities Form which can be obtained from the Department of Environmental Management
2. All waste water lines of the proposed development must be connected to the Napa Sanitation District.
3. The proposed parcel(s) must be connected to the City of American Canyon water system.
4. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
5. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the

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appropriate landfill or solid waste transfer station for the service area in which the project is located.

6. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The area designated shall be of large enough size to support recycling efforts and disposal. It is recommended that the applicant refer to the City of Napa Solid Waste Enclosure Guide for additional information and requirements.

cc: Sean Trippi, CDPD
Doug Calhoun, Environmental Health Supervisor
David Busby, Busby Enterprises, Inc., 455 Technology Way, Napa, CA 94558
Stewart Walkenhorst et al., 1774 Industrial Way, Napa, CA 94558

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



**A Tradition of Stewardship
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DATE: November 6th, 2009

TO: Conservation Development and Planning Department

FROM: Drew Lander, Assistant Engineer

SUBJECT: **Walkenhorst Commerical Building** – APN# 057-210-022, File # P09-00153

The application will allow the construction of a 30,158 sqft warehouse/office building; construct a 132 space parking lot with 5 vehicle loading areas. Hours of operation are from 6am to 7pm and propose 60 employees with an average of 25 visitors per week. The parcel is located at the intersection of Technology Way and Technology Ct. in the Airport Industrial Area. The Southern property line borders Sheehy Creek. The following conditions apply to a dry goods packaging and shipping storage warehouse use; any proposed change in use will require further analysis regarding roadway access and traffic improvements.

EXISTING CONDITIONS:

1. No improved access serves this parcel.
2. There are no existing drainage improvements on the proposed parcel.
3. Parking surface is currently nonexistent.

RECOMMENDED CONDITIONS:

GROUNDWATER

1. The applicant has submitted a will serve letter from the City of American Canyon for water service dated March 24th, 2009. No on site wells will be used to serve this parcel. No further analysis is necessary.

2. *The Developer must comply with all associated requirements and exhibits relating to water conditions to be imposed on all parcels as described in Napa County Agreement No. 7070, between the County of Napa and the City of American Canyon. This agreement and all its parts shall be effective as of July 3rd, 2008. (See Attached Exhibits E,F,G,H)*

NEW DRIVEWAY/ROADWAY:

3. All roadway construction associated with this application shall conform to the current Road and Street Standards of Napa County at the time of permit submittal and accepted construction and inspection practices.
4. Access driveways shall be designed to meet the Airport Industrial Area standards. Structural section shall be a minimum section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over five inches of Class II Aggregate or equivalent. (County Road and Street Standards, Page 9, Par. 12)
5. This office has reviewed the approximate locations of the proposed driveway encroachments and has approved the driveway access on Technology Ct. to be closer than 200ft to the intersection however this entrance must be signed for no truck traffic. This condition applies only to one driveway access on Technology Ct. All other access driveways must conform to condition #13.
6. The fire road access and turnaround located to the South of the building must conform to the Napa County Road and Street standards regarding vehicle "hammerhead" design and curve radiuses.

PARKING:

7. Any additional parking proposed by the Developer or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over five inches of Class II Aggregate. (County Road and Street Standards, Page 27, Section 19).
8. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards

SITE IMPROVEMENTS:

9. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
10. Grading and drainage improvements shall be constructed according to the latest "Napa County Road and Street Standards" and the 2007 California Building Code Appendix J.
11. The Developer must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

AIRPORT SPECIFIC CONDITIONS:

12. Developer will pay all applicable Napa County Airport Road Improvement and Development Fees prior to receiving any building permits for this project. Upon approval of this use permit, the Developer should contact the Public Works office to obtain information regarding the determination of this fee.
13. All Public Works related improvements shall conform to the latest Napa County Road and Street Standards and the latest Napa County Airport Area Specific Plan.
14. All driveway access points must meet the minimum distance of 200 feet from an intersection. The Napa County Airport Area Specific Plan on page 120, "b. Direct Access Limitations" states that "Private driveways along collectors should be separated by a minimum distance of 200 feet and shall not be permitted within 200 feet of an intersection".

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

15. Project must conform and incorporate all appropriate site design Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.
16. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure

any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.

17. The application shall incorporate Site Design, Source Control and Treatment control Best Management Practices to comply with County and State water quality standards.
18. Prior to final occupancy the property owner must legally record an "implementation and maintenance agreement" approved by the Public Works department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
19. Each year the entity responsible for maintenance is required to complete an annual report that includes copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.
20. Loading/unloading dock and processing areas must comply with Napa County stormwater management requirements at the time of permit approval.
21. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume. Waivers from this requirement can only be granted by the Director of Public Works.
22. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping – Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
23. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.

CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS:

24. The site plans indicate that the construction activity will result in disturbance of greater than one acre of total land area. Therefore, the permittee will be required to obtain coverage in accordance with Napa County's General Permit for Discharges of Storm Water Associated with Construction Activities issued by the Regional Water Quality Control Board (SRWQCB). To achieve this, the permittee shall file a Notice of Intent with the SRWQCB prior to any grading or construction activity. Construction activity subject to this permit includes but is not limited to clearing, grading and disturbances to the ground such as stockpiling, or excavation
25. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
26. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP.

OTHER RECOMMENDATIONS:

27. All improvements shall be constructed according to plans prepared by a registered civil engineer which will be reviewed and approved by this office. Improvement plans shall be submitted with the building permit. A plan check fee will apply.
28. As applicable to future development, the Developer must comply with all associated requirements and exhibits relating to development on all parcels described in Napa County Agreement No. 7070, between the County of Napa and the City of American Canyon. This agreement and all its parts effective as of July 3rd, 2008.
29. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.
30. All cuts and fills shall be designed per the latest California Building Codes. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Drew Lander at 253-4351.

EXHIBIT E

Water Conditions To Be Imposed On All Parcels (City Customers and Outside Customers) For Which New Water Service is Requested

The City of American Canyon ("City") may impose the conditions listed below on new water services for Outside Customers by including these conditions in the "will-serve" letters that the City provides to such Outside Customers, but only if the City also imposes the same conditions on all new water services for parcels with similar uses within the City's limits. The County shall include these same conditions in all new land use development permits for parcels within the Airport Industrial Area Specific Plan area.

1. **City Capacity Fees and Conditions of Approval for Water Service.** Capacity Fees charged for parcels within the City's Water Service Area shall be established by the City and will be periodically reviewed and updated. Capacity Fees (also known as Connection Fees) will be uniform throughout the Water Service Area, regardless of whether the parcel to which the fee applies is inside or outside the City's Limits. The Capacity Fee and any conditions on new water service will be determined based on the Water Supply Report, which shall contain the analysis described in Part II.C. of Exhibit "F" of this Agreement, and which will be consistent with the City's Zero Water Footprint Policy, adopted by the City on October 23, 2007.

2. **Cost of Water Service.** The cost of new water service shall be imposed through the capacity fees in the City's Ordinance 2007-09 or through new capacity fees approved by the County and enacted in a new City ordinance. However, if the Water Supply Report finds, consistent with the City's Zero Water Footprint Policy (see Exhibit F), that the City will have to obtain additional water supplies to meet "dry year" shortfalls, then the cost of water to meet such "dry year" shortfalls will be the sole responsibility of the Applicant. In determining whether or not such "dry year" shortfalls will occur, the City shall include in the base supplies available to the City during "dry years" the new water supplies that have been or will be included in the calculations used to set the City's Capacity Fees and water rates. The City will conclude that "dry year" shortfalls will occur only if such base supplies will not be adequate to meet anticipated "dry year" demands. The City may not impose any costs on the Applicant under this section to reimburse the City for any capital or operating costs that have been or will be included in the calculations used to set the City's Capacity Fees or water rates. The City may impose the additional costs described in the preceding sentence on Outside Customers only if the City also imposes such additional costs uniformly on City Customers.

3. **Maximum Allowable Water Use.** Water received from the City for use on parcels within the Airport Industrial Area Specific Plan area and on parcels with similar uses within the City's limits shall be limited to an average of 650 gallons of water per day per acre (measured monthly), and Applicants for new or increased City water service for all such parcels shall be required to demonstrate to the City while the City is preparing the Water Supply Report for the Applicant the maximum extent to which the Applicant can further reduce its water consumption by applying the following best management practices:

- **No Flow or Low Flow Fixtures.** These Applicants shall be required to install no flow or low flow water fixtures, and to implement other reasonable water conservation measures that are described in the City's Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.
- **Drought Tolerant Landscape & Irrigation with Recycled Water.** These Applicants shall be required to use only drought tolerant landscaping, and they may only irrigate landscaped areas with recycled water, when it is available.
- **Purple Pipe.** These Applicants shall be required to dual plumb their buildings and install "purple pipe" in all landscape areas in anticipation of the availability of recycled water and shall use the recycled water when available.
- These Applicants shall follow the water conservation methods that are described in the Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.

The City may apply the provisions of this Paragraph 3 to Applicants for new or increased City water service for parcels within the Airport Industrial Area Specific Plan area only if the City also uniformly applies these provisions to all Applicants for new or increased City water service for parcels with similar uses within the City's limits.

4. **Water Offsets.** Applicants for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits that wish to use more than an average of 650 gallons of water per day per acre (measured monthly) shall offset the proposed water use over 650 gallons per day per acre (measured monthly) through the use of one or more options that are made available by the City to the Applicants. These options include, but are not limited to, retrofitting of existing residences with low flow fixtures, purchase of otherwise developable land as permanent open space, or acquisition of other water supply resources as provided for by a water supply analysis that follows the Zero Water Footprint Methodology described in Exhibit F. The City shall make all such options available uniformly to Applicant for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits, and that seek such offsets.

5. **Drought Restrictions.** To the extent permitted by law, the City may curtail or ration the use of water provided by the City below the limit of 650 gallons per day per acre (measured monthly) in dry years through the imposition of drought restrictions that are uniformly applied throughout the City's Water Service Area.

EXHIBIT F

Zero Water Footprint and Water Supply Report Methodology

I. PURPOSE

To implement the Zero Water Footprint Policy adopted by the City Council on October 23, 2007. In this policy, "Zero Water Footprint" is defined as:

"No loss in reliability or increase in water rates for existing water service customers due to requested increased demand for water within the City's Water Service Area."

II. PROCEDURES

- A) **Initial Request.** Applicants for all projects requiring additional water supplies from the City of American Canyon, either inside City limits or in the City's Water Service Area but outside of City limits, shall complete a water supply worksheet estimating average and peak use for indoor and outdoor uses and provide the completed worksheet to the City's Engineering Division.
- B) **Evaluation of Water Footprint.** The Engineering Division shall evaluate the water footprint of the project, using the water supply worksheet provided by the Applicant, to determine whether a Water Supply Report is required. A Water Supply Report will not be required if the project meets the adopted Zero Water Footprint definition. This can be accomplished by projects with no additional water demand or by projects which offset increased water demand by off-site conservation measures.
- C) **Water Supply Report.** A Water Supply Report shall be prepared for all projects that do not meet the adopted Zero Water Footprint definition. The Water Supply Report shall be prepared by the City of American Canyon at the cost of the project applicant. The Water Supply Report shall be substantially in the form of the report approved in the City's Resolution No. 2008-02, or in a new form approved by the County and approved by the City in a new resolution and shall include the following analysis:
- 1) Water service request
 - a) Description of project
 - b) Water service request
 - (i) Average Daily Demand
 - (ii) Peak Day Demand
 - c) Conservation Measures Included in Project
 - 2) Consistency
 - a) Urban Water Management Plan
 - b) Recycled Water Facilities Plan
 - c) Water Conservation Implementation Guidelines
 - 3) Water footprint
 - a) Zero Water Footprint Definition
 - b) Project's impact on reliability
 - c) Project's impact on rates

- d) Project's water footprint
- 4) Project's contribution
 - a) Capacity fee
 - b) Reimbursable improvements
- 5) Capital program status
 - a) Summary
 - b) System planning status
 - c) Water supply
 - (i) Water supply implementation status
 - (ii) Water supply alternatives
 - d) Water treatment
 - (i) Water treatment implementation status
 - (ii) Water treatment alternatives
 - e) Water storage, transmission, and distribution status
 - f) Water capital program financial status
- 6) Vineyards analysis
 - a) Vineyards decision
 - b) Facts with respect to solutions to water supply problems
 - c) Water supply over the life of the project
 - d) Impacts of likely future water sources
 - e) Possible replacement sources and their impacts
- 7) Recommended mitigations
 - a) Long term water mitigations
 - b) Short term water mitigations
- 8) Opportunities to reduce project's water footprint
 - a) On-site conservation opportunities
 - b) Off-site conservation opportunities

D) Applicant Review of Water Supply Report. The Water Supply Report, once approved by the City, will be furnished to the project applicant. If the applicant elects to revise the project to reduce the water footprint, the Water Supply Report may be revised at the applicant's cost.

E) Water Will Serve Letter. Water will-serve letters are required for projects outside of the Napa Valley Gateway project limits that are requesting increased water services from the City. The Napa Valley Gateway project is subject to the terms and conditions of a will-serve letter for the entire project agreed upon between the City of American Canyon and Charles Slutzkin of Napa Valley Gateway Limited in a will-serve letter agreement dated December 13, 2002. So long as the terms and conditions of that will-serve letter agreement are complied with, developments of parcels within the Napa Valley Gateway project limits will not require any Water Supply Report or additional will-serve letters.

EXHIBIT G

Appeal Procedure: Zero Water Footprint Methodology

1. **Grounds for Appeal- Conditions of Approval.** If the water service application is for a parcel outside the City's limits, then the City shall, within 30 days of receipt of such application, provide to the Applicant and the County any conditions of approval that the City proposes to impose on the parcel at least 90 days before imposing the conditions of approval.

Conditions of approval that result from the Water Supply Report and that the City proposes to include in a water service will-serve letter that will be issued by the City for a parcel outside of the City's limits may be appealed by an Applicant under the process described in Section 3 below.

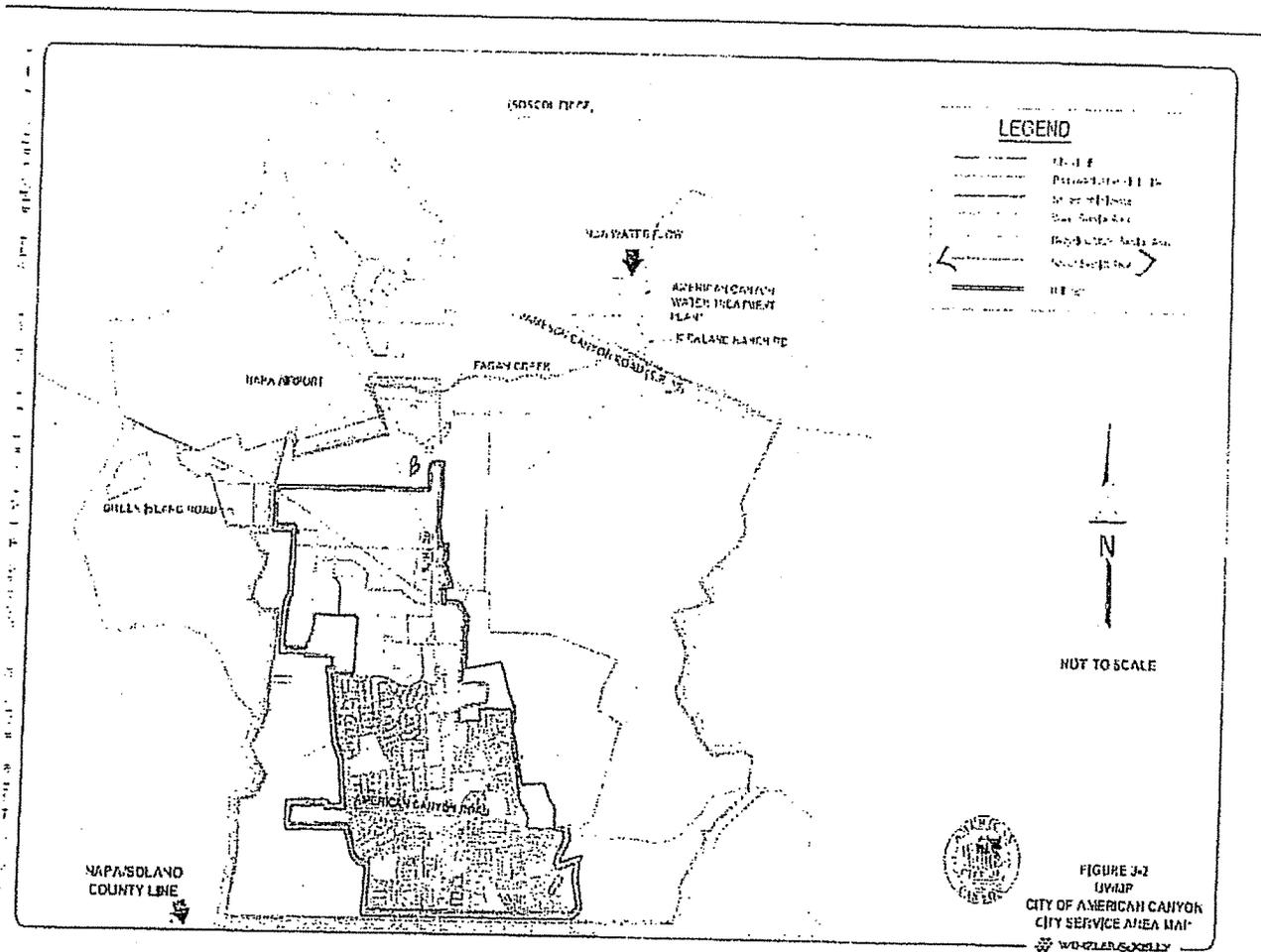
2. **Exceptions:** An appeal may not challenge water rates imposed by the City that are consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172, and the City's Ordinance 2007-13. An appeal also may not challenge Capacity Fees that are set pursuant to the City's Ordinance 2007-09, or new capacity fees approved by the County and enacted in a new City ordinance.

3. **Appeal Process and Appeal Panel.** An appeal of water service conditions of approval that the City proposes for a parcel outside the City's limits may be filed within ninety (90) days after the proposed conditions are forwarded to the Applicant and the County for inclusion in a development permit. The appeal will be heard by the panel described in the following paragraph, and this panel will determine whether any of the conditions under appeal is inconsistent with any provision of this Agreement.

The Appeal Panel will be made up of one member selected by the County Executive Officer, one member selected by the City Manager and one member selected by the two appointed members. If the two appointed members cannot agree on the third member, the name of each candidate shall be placed in a hat to be drawn for selection. The decision of the Appeal Panel will be final, but subject to judicial review pursuant to Code of Civil Procedure section 1094.5. The reasonable cost of the Appeal Panel shall be borne by the Applicant.

EXHIBIT H

City's Water Service Area





A Tradition of Stewardship
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Alicia Amaro
Napa County Fire
Asst. Fire Marshal
1199 Big Tree Road
St. Helena, CA 94574

alicia.amaro@fire.ca.gov

Main: (707) 967-1425
Fax: (707) 967-1474
Cell: (707) 486-5782

INTER-OFFICE MEMO

TO: Conservation, Development, and Planning Department

FROM: Alicia Amaro, Fire Department

DATE: July 6, 2010

SUBJECT: Walkenhorst Warehouse Use Permit Comments
Apn: 057-210-022 P10-00189

Site Address: SWC Technology Ct & Technology Way, Napa

The Napa County Fire Marshal staff has reviewed the Minor Modification Use Permit application to increase the floor area from 30,158 square feet to 37,695 square feet by constructing a 2,794 square foot addition and a 4,743 square foot mezzanine. We recommend the following changes to the fire protection conditions that were submitted on February 10, 2010.

1. The minimum required fire flow for the protection of the proposed buildings is 5,250 gallons per minute at 20 pounds residual water pressure. This flow is based on the square footage of the building. Because this project will require automatic fire sprinklers a reduction in the required fire flow is allowed, bringing the fire flow to 2,625 gallons per minute at 20 pounds residual water pressure.

All other conditions submitted on February 10, 2010 still apply.

Please feel free to contact the Napa County Fire Marshal's Office at (707) 967-1425 to discuss any fire protection issues you may have regarding your project.

Alicia Amaro
Assistant Fire Marshal



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Conservation, Development and Planning

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Hillary Gitelman
Director

8-13-10

Building Inspection Department review comments for inclusion with:

Planning Department permit: P10-00189

Use Permit Minor Modification to General Use Permit P09-00153

Status of Building Department review of this Permit: Approved

At property: 057-210-022-000

SW corner of Technology Court & Technology Way, Napa, CA

Owner: Stewart Walkenhorst, Etal

Description of permit: Request to modify Use Permit P09-00153 to increase floor area from 30,158 SF to 37,695 by a 2,794 SF addition to the building footprint and a 4,743 SF second floor Mezzanine addition within the warehouse area.

Comments:

The Building Department is not reviewing this project for compliance with CA Building Standards at this time; it is only reviewing the proposed Planning entitlement. The Building Department has no issues or concerns with the approval of the Use Permit Minor Modification; it is a planning entitlement only and doesn't in itself authorize any construction or change in occupancy.

The only significant California Building Standards Code issues foreseen at this time based on the information presented are:

1. The layout of the accessible parking spaces shown doesn't appear to meet the intent of CBC 1129B.1 that *"In buildings with multiple accessible entrances with adjacent parking, accessible spaces shall be dispersed and located closest to the accessible entrances."*
2. The occupancy group (CBC chapter 3) classification and occupant load for the added mezzanine is unclear. This area may require a 2nd exit if the occupant load exceeds that allowable with only one exit.

These and other issues with California Building Standards Code compliance will be dealt with during the future building permit application review and approval processes.

All plans and documents for commercial projects are required by State Law to be prepared and coordinated under the direction of a California Licensed Architect as the properly CA-Licensed Design Professional in Responsible Charge (Business and Professions Code, Chapter 3, Division 3 & California Building Code, Appendix Chapter 1).

Prior to any future construction work, or change in occupancy, applicable building permits for the work must first be obtained; all work must comply with all applicable code requirements, including accessibility requirements of CBC Chapter 11B. Submit complete & appropriate plans, specifications, and engineering, etc. when applying for permits.

Eric Banvard

Plans & Permit Supervisor

Conservation Development & Planning

Napa County, CA 94559

Eric.Banvard@countyofnapa.org



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City of American Canyon
Community Development

FILE #: P10-00159

Conservation Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director

**PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS**

TO: AMERICAN CANYON (PUBLIC WORKS)

APPLICATION TITLE: WALKENHORST APN: 57-210-022

DESCRIPTION OF PROJECT: Modify use permit P09-00153 to increase floor area from 30,158 sq ft to 37,695 sq ft by constructing a 2,794 sq ft addition and a 4,743 sq ft mezzanine

RESPONSE REQUEST DATE: July 1, 2010 RESPONSE RETURN DATE: July 15, 2010

PLEASE RESPOND VIA E-MAIL TO: Sean.Frippi @countyofnapa.org
OR FAX TO (707) 299-_____

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

1. Do you have any comments on this project? Yes No
2. Do you have jurisdiction by law over this project? Yes No
3. Attach your agencies comments, or list below: Comments attached Comments below.

- Property has an existing will-serve letter dated 3/24/09. The proposed modifications may require additional water supply exceeding that stated in the will-serve. Applicant shall provide a completed Will-Serve Questionnaire to the City's Engineering Division for staff's evaluation of the project's water footprint.
- Will-Serve Questionnaires can be found at: <http://www.ci.american-canyon.ca.us/Modules/ShowDocument.aspx?documentid=449>

Name of contact person: GREG BAER Telephone #: 707-147-4583

Email: gbaer@cityofamericancanyon.org
Title: Civil Engineer II
Date: 2/14/10



Dedicated to Preserving the Napa River for Generations to Come

July 14, 2010

Conservation, Development, and Planning
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: PL10-00189, Walkenhorst Commercial, 057-210-022 (Trippi)

The Napa Sanitation District has reviewed the above-named application.

The owner shall pay to the District the prevailing fees and charges in effect as established by Resolutions and Ordinances before the issuance of a County Building Permit, and shall adhere to the rules and regulations as they apply to the application.

The proposed project shall be subject to the following conditions of approval:

1. No floor drains are allowed in the building except in the restroom areas.
2. The proposed project falls within the District's Reclaimed Water Benefit Zone. The project shall utilize reclaimed water for all landscape irrigation purposes. The owner/developer shall be responsible for installing the necessary onsite irrigation facilities per NSD's "Water Reuse Program" manual.
3. The property owner/developer shall install private reclaimed water lines across the northern and eastern frontage of the property per Napa Valley Gateway Reclaimed Water Master Plan.
4. Grease interceptors shall be required for any restaurant or food service areas.
5. A plan showing the required sanitary sewer improvements and reclaimed water improvements shall be prepared by a registered civil engineer conforming to NSD standards, and shall be submitted to the District for approval.
6. The proposed business shall follow the Best Management Practices for the photo processing and printing industry. The applicant shall contact the District for additional information.

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JUL 16 2010

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Planning Director
July 14, 2010
Page 2

7. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
- a. Plan Check Fees (presently \$40.00 per lot)
 - b. Inspection Fees (presently \$1.25 per lineal foot for main lines and \$35.00 per each 4" street lateral and \$35.00 per each 4" onsite lateral)
 - c. Connection Fees (presently a minimum of \$5,660.00 per each commercial unit / tenant space, located within the proposed building. The connection fee may be higher depending on the number of fixture units installed within each commercial unit / tenant space. The owner shall contact the District for additional information.)

Please include this information as a part of your consideration of the application.

Sincerely,

Timothy B. Healy, P.E.
Assistant General Manager/
District Engineer



by: Andrew Damron
Associate Engineer



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Hillary Gitelman
Director

P09-00153
057-210-022

March 5, 2010

Mr. David Busby
Busby Enterprises, Inc.
455 Technology Way
Napa, CA 94558

Re: **WALKENHORST WAREHOUSE & DISTRIBUTION BUILDING**
Use Permit (#P09-00153-UP)
SW/c Technology Way and Technology Court (APN: 057-210-022)

Dear David:

At a regular meeting of the Napa County Planning Commission on March 3, 2010, your request for a Use Permit (P09-00153-UP) to construct a 30,158 sq. ft. building for a mail order catalog sales and distribution business was presented for consideration. Please be advised that the Planning Commission adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, pursuant to the requirements of the California Environmental Quality Act (CEQA) and **APPROVED** the Use Permit subject to the attached conditions of approval, Napa County departmental and reviewing agency comments, and applicable County regulations.

This approval becomes effective immediately unless an appeal is filed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by another, you will be notified.

EXPIRATION DATE: March 3, 2012

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within two (2) years, or it shall automatically expire and become void on the expiration date noted above. This letter serves as the only notice you will receive regarding the expiration date of your permit.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

BUILDING PERMITS ARE REQUIRED PRIOR TO COMMENCING ANY CONSTRUCTION.
Should you have any questions, please contact me at (707) 253-4417 or by e-mail:
sean.trippi@countyofnapa.org.

Sincerely,

Handwritten signature of Sean Trippi in black ink.

Sean Trippi, Principal Planner
Napa County Conservation, Development and Planning Department

cc: John Tuteur, County Assessor

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
CONSERVATION & DEVELOPMENT PLANNING COMMISSION

CONDITIONS OF APPROVAL
WALKENHORST WAREHOUSE & DISTRIBUTION BUILDING
USE PERMIT (#P09-00153)
APN: #057-210-022

1. SCOPE:

- a) The use permit is limited to approval to construct a 30,158 sq. ft. industrial/warehouse/office building for a mail order catalog sales and distribution company with 132 on-site parking spaces and a freestanding tenant identification sign on a 3.5 acre parcel.
- b) The building shall be designed in substantial conformance with the submitted site plan, floor plan, elevation drawings, and other submittal materials. It is the responsibility of the permittee to communicate the requirements of these conditions to all designers, contractors, and employees to ensure compliance is achieved. Any expansion or change in use, or project changes, which are necessitated by the requirements of other department or agencies, are subject to further County approval.
- c) Any future change of tenancy within the structure shall require administrative review and approval by the Planning Department prior to occupancy. The permittee shall provide the Planning Department with a written profile of the proposed tenant, including name, present address, phone number, description of proposed use, employees, a list of any hazardous materials, and any other information deemed necessary by the Planning Department. The permittee shall also provide a detailed floor plan of the entire structure identifying the location and square footage of all uses within the structure prior to any new tenancy.
- d) The establishment of any use that would involve the storage or use of more than fifty-five gallons or five hundred pounds of hazardous, infectious wastes or any amount of extremely hazardous waste as defined in Health and Safety Code Sections 25115, 25117 and 25117.5, and Title 22, Division 4, Articles 9 and 11 of the California Administrative Code or hazardous material as defined in Health and Safety Code Section 25411(c) shall be subject to written approval by the County Department of Environmental Management and subject to issuance of a use permit by the Planning Commission prior to establishing the use.

2. COLORS:

Exterior finishes and colors of the building, roof, parking lot and walkways shall be subject to approval by the CDPD, prior to the issuance of a Building Permit. Highly reflective surfaces and materials will not be permitted.

3. SIGNS:

Detailed plans for any identification and/or directional outdoor signs shall be submitted to the CDPD for administrative review with regards to design, materials, area, height, and placement, in accordance with the Airport Industrial Area Specific Plan.

4. GATES/ENTRY STRUCTURES:

Any gates installed at the project entrance shall be reviewed by the CDPD, Public Works Department and the Napa County Fire Department to assure that it is designed to allow large vehicles to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code.

5. LIGHTING:

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery, two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for CDPD review and approval. All lighting shall comply with the Uniform Building Code (UBC).

6. LANDSCAPING:

- a) Two (2) copies of a detailed landscaping plan shall be submitted for review and approval prior to issuance of building permits. The plan shall be consistent with Napa County Water Efficient Landscape Ordinance and the 1986 Napa Airport Industrial Area Specific Plan, including parking lot shading and landscaped berms, along the street frontage and to screen the parking lot. The required landscape plan shall indicate plant location, species, size at planting, quantity of each, method of planting, underground automatic sprinkler system, and similar landscape design information. The minimum size of shrubs shall be five (5) gallon. The minimum tree size shall be fifteen (15) gallon (3/4" to 1" trunk caliper). **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**
- b) All landscaped areas and sidewalks shall be separated from parking and drive aisle areas by a minimum 6 inch raised concrete curb.
- c) The irrigation system shall utilize reclaimed water when it is made available in the vicinity.
- d) The undeveloped portion of the property shall be hydro-seeded or an approved equivalent and permanently maintained.

7. PARKING/ACCESS/TRAFFIC:

- a) All parking, driveways, and internal roadways shall comply with the Napa County Road and Street standards. Two feet of required parking stall depth may overhang into non-required landscape planters and sidewalks. Standard sized parking stalls are required to have a minimum depth of 19 ft., and compact stalls may be 16 feet. A maximum of 35% of the parking stalls may be compact.

- b) Parking based on the use of the tenant/building shall be provided in compliance with the Airport Industrial Area Specific Plan (AIASP) prior to final occupancy. Parking shall be provided in accordance with the AIASP upon any change of use and/or tenancy, subject to review and approval by the CDPD Director (see condition 1.b.). The installation of parking may be deferred until such time as building tenancy requires, subject to review and approval by the CDPD Director. Additional landscaping shall be provided in place of any deferred parking spaces.
- c) Bicycle parking areas shall be provided at a ratio of one bicycle parking space for every 25 employees, as applicable. At least one bicycle parking space shall be provided.
- d) Re-occurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.
- e) No parking lot improvements shall encroach within the conservation easement along Sheehy Creek.

8. OUTDOOR STORAGE/SCREENING:

No outdoor storage is permitted as part of this action. Any proposal for outdoor storage is subject to separate review and approval by CDPD.

9. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The permittee shall comply with applicable development standards of the 1986 Airport Industrial Area Specific Plan and the Industrial Park: Airport Combining (IP: AC) zoning regulations and all other applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:

- a) Department of Environmental Management memos dated April 21, 2009.
- b) Department of Public Works memo dated November 6, 2009.
- c) Building Division comments dated May 9, 2009.
- d) County Fire Department comments dated February 10, 2010.
- e) City of American Canyon "will serve" letter dated March 24, 2009.
- f) Napa Sanitation district "will serve" letter dated March 5, 2009 and comments dated February 22, 2010.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Departments and Agencies shall be determined by those Departments or Agencies. The inability to substantially comply with the requirements of other County Departments and Agencies may result in the need to modify the approved use permit.

10. GRADING AND SPOILS:

All grading and spoils generated by construction of the project facilities shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

11. NOISE:

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. All activities associated with this project shall be in compliance with Section 18.40.200D, for sound.

12. DUST CONTROL:

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur during windy periods.

13. ARCHEOLOGICAL FINDING:

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the CDPD for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

14. ADDRESSING

All project site addresses shall be determined by the CDPD Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The CDPD Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

15. STORM WATER CONTROL

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any

"Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

16. AIRCRAFT OVERFLIGHT EASEMENT:

Prior to issuance of building permits, the permittee shall submit verification that an aircraft overflight easement has been recorded on the property that provides for the right of aircraft operation, overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.

17. MECHANICAL EQUIPMENT:

- a) Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building, and when screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The CDPD Director may approve exceptions for solar equipment. All screening is subject to review and approval by the CDPD Director. Any skylights will be subject to review and approval by the CDPD Director prior to the issuance of building permits.

The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.

- b) Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the CDPD Director.

18. TRASH ENCLOSURES:

- a) The developer shall provide one or more trash enclosures (decorative masonry or equivalent), the design of which shall be compatible with the architecture of the project. The enclosure shall be reasonably accessible to employees. A minimum 8' x 10' thickened paving section shall be provided in front of each enclosure. The CDPD Director shall approve the design and location of each enclosure. All trash bins shall be stored within approved trash enclosures. The enclosure shall also include a separate pedestrian walk-in access.
- b) The developer shall provide adequate, accessible, and convenient areas for the collection and loading of recyclable materials. Collection and loading areas shall be located adjacent to trash enclosures when practical and shall contain adequate area to accommodate the recyclable waste generated by the development. All recyclable materials areas shall be accessible by collection vehicles. The CDPD Director shall approve the design and location of each collection and loading area.

19. MISCELLANEOUS:

Any crane used in the construction of the phases shall be lighted and have flags for improved visibility from aircraft; no crane shall exceed 80 feet in height without first obtaining the FAA's express approval.

20. MITIGATION MEASURES:

The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project.

21. AFFORDABLE HOUSING MITIGATION:

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Trust Fund Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

22. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring. Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

23. TEMPORARY AND FINAL OCCUPANCY:

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

SEAN



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Environmental Management

1195 Third Street, Suite 101
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4471
Fax: (707) 253-4545

Steven Lederer
Director

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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

MEMORANDUM

To: Napa County Planning Department Hillary Gitelman, Planning Director	From: Napa County Environmental Management Department Christine Secheli, Assistant Director <i>CMS</i>
Date: April 21, 2009	Re: Use Permit Application for Busby Enterprises Inc. Warehouse Located at SWC Technology Way Assessor Parcel # 057-210-022 File #P09-00153

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. All businesses must submit the required Business Activities Form which can be obtained from the Department of Environmental Management
2. All waste water lines of the proposed development must be connected to the Napa Sanitation District.
3. The proposed parcel(s) must be connected to the City of American Canyon water system.
4. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
5. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the

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appropriate landfill or solid waste transfer station for the service area in which the project is located.

6. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The area designated shall be of large enough size to support recycling efforts and disposal. It is recommended that the applicant refer to the City of Napa Solid Waste Enclosure Guide for additional information and requirements.

cc: Sean Trippi, CDPD
Doug Calhoun, Environmental Health Supervisor
David Busby, Busby Enterprises, Inc., 455 Technology Way, Napa, CA 94558
Stewart Walkenhorst et al., 1774 Industrial Way, Napa, CA 94558

PUBLIC WORKS DEPARTMENT INTER-OFFICE MEMO



A Tradition of Stewardship
A Commitment to Service

DATE: November 6th, 2009

TO: Conservation Development and Planning Department

FROM: Drew Lander, Assistant Engineer

SUBJECT: Walkenhorst Commerical Building – APN# 057-210-022, File # P09-00153

The application will allow the construction of a 30,158 sqft warehouse/office building; construct a 132 space parking lot with 5 vehicle loading areas. Hours of operation are from 6am to 7pm and propose 60 employees with an average of 25 visitors per week. The parcel is located at the intersection of Technology Way and Technology Ct. in the Airport Industrial Area. The Southern property line borders Sheehy Creek. The following conditions apply to a dry goods packaging and shipping storage warehouse use; any proposed change in use will require further analysis regarding roadway access and traffic improvements.

EXISTING CONDITIONS:

1. No improved access serves this parcel.
2. There are no existing drainage improvements on the proposed parcel.
3. Parking surface is currently nonexistent.

RECOMMENDED CONDITIONS:

GROUNDWATER

1. The applicant has submitted a will serve letter from the City of American Canyon for water service dated March 24th, 2009. No on site wells will be used to serve this parcel. No further analysis is necessary.

2. *The Developer must comply with all associated requirements and exhibits relating to water conditions to be imposed on all parcels as described in Napa County Agreement No. 7070, between the County of Napa and the City of American Canyon. This agreement and all its parts shall be effective as of July 3rd, 2008. (See Attached Exhibits E,F,G,H)*

NEW DRIVEWAY/ROADWAY:

3. All roadway construction associated with this application shall conform to the current Road and Street Standards of Napa County at the time of permit submittal and accepted construction and inspection practices.
4. Access driveways shall be designed to meet the Airport Industrial Area standards. Structural section shall be a minimum section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over five inches of Class II Aggregate or equivalent. (County Road and Street Standards, Page 9, Par. 12)
5. This office has reviewed the approximate locations of the proposed driveway encroachments and has approved the driveway access on Technology Ct. to be closer than 200ft to the intersection however this entrance must be signed for no truck traffic. This condition applies only to one driveway access on Technology Ct. All other access driveways must conform to condition #13.
6. The fire road access and turnaround located to the South of the building must conform to the Napa County Road and Street standards regarding vehicle "hammerhead" design and curve radiuses.

PARKING:

7. Any additional parking proposed by the Developer or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over five inches of Class II Aggregate. (County Road and Street Standards, Page 27, Section 19).
8. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards

SITE IMPROVEMENTS:

9. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
10. Grading and drainage improvements shall be constructed according to the latest "Napa County Road and Street Standards" and the 2007 California Building Code Appendix J.
11. The Developer must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

AIRPORT SPECIFIC CONDITIONS:

12. Developer will pay all applicable Napa County Airport Road Improvement and Development Fees prior to receiving any building permits for this project. Upon approval of this use permit, the Developer should contact the Public Works office to obtain information regarding the determination of this fee.
13. All Public Works related improvements shall conform to the latest Napa County Road and Street Standards and the latest Napa County Airport Area Specific Plan.
14. All driveway access points must meet the minimum distance of 200 feet from an intersection. The Napa County Airport Area Specific Plan on page 120, "b. Direct Access Limitations" states that "Private driveways along collectors should be separated by a minimum distance of 200 feet and shall not be permitted within 200 feet of an intersection".

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

15. Project must conform and incorporate all appropriate site design Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.
16. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure

any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.

17. The application shall incorporate Site Design, Source Control and Treatment control Best Management Practices to comply with County and State water quality standards.
18. Prior to final occupancy the property owner must legally record an "implementation and maintenance agreement" approved by the Public Works department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
19. Each year the entity responsible for maintenance is required to complete an annual report that includes copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.
20. Loading/unloading dock and processing areas must comply with Napa County stormwater management requirements at the time of permit approval.
21. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume. Waivers from this requirement can only be granted by the Director of Public Works.
22. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping – Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
23. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.

CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS:

24. The site plans indicate that the construction activity will result in disturbance of greater than one acre of total land area. Therefore, the permittee will be required to obtain coverage in accordance with Napa County's General Permit for Discharges of Storm Water Associated with Construction Activities issued by the Regional Water Quality Control Board (SRWQCB). To achieve this, the permittee shall file a Notice of Intent with the SRWQCB prior to any grading or construction activity. Construction activity subject to this permit includes but is not limited to clearing, grading and disturbances to the ground such as stockpiling, or excavation
25. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
26. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP.

OTHER RECOMMENDATIONS:

27. All improvements shall be constructed according to plans prepared by a registered civil engineer which will be reviewed and approved by this office. Improvement plans shall be submitted with the building permit. A plan check fee will apply.
28. As applicable to future development, the Developer must comply with all associated requirements and exhibits relating to development on all parcels described in Napa County Agreement No. 7070, between the County of Napa and the City of American Canyon. This agreement and all its parts effective as of July 3rd, 2008.
29. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.
30. All cuts and fills shall be designed per the latest California Building Codes. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Drew Lander at 253-4351.

EXHIBIT E

Water Conditions To Be Imposed On All Parcels (City Customers and Outside Customers) For Which New Water Service is Requested

The City of American Canyon ("City") may impose the conditions listed below on new water services for Outside Customers by including these conditions in the "will-serve" letters that the City provides to such Outside Customers, but only if the City also imposes the same conditions on all new water services for parcels with similar uses within the City's limits. The County shall include these same conditions in all new land use development permits for parcels within the Airport Industrial Area Specific Plan area.

1. **City Capacity Fees and Conditions of Approval for Water Service.** Capacity Fees charged for parcels within the City's Water Service Area shall be established by the City and will be periodically reviewed and updated. Capacity Fees (also known as Connection Fees) will be uniform throughout the Water Service Area, regardless of whether the parcel to which the fee applies is inside or outside the City's Limits. The Capacity Fee and any conditions on new water service will be determined based on the Water Supply Report, which shall contain the analysis described in Part II.C. of Exhibit "F" of this Agreement, and which will be consistent with the City's Zero Water Footprint Policy, adopted by the City on October 23, 2007.

2. **Cost of Water Service.** The cost of new water service shall be imposed through the capacity fees in the City's Ordinance 2007-09 or through new capacity fees approved by the County and enacted in a new City ordinance. However, if the Water Supply Report finds, consistent with the City's Zero Water Footprint Policy (see Exhibit F), that the City will have to obtain additional water supplies to meet "dry year" shortfalls, then the cost of water to meet such "dry year" shortfalls will be the sole responsibility of the Applicant. In determining whether or not such "dry year" shortfalls will occur, the City shall include in the base supplies available to the City during "dry years" the new water supplies that have been or will be included in the calculations used to set the City's Capacity Fees and water rates. The City will conclude that "dry year" shortfalls will occur only if such base supplies will not be adequate to meet anticipated "dry year" demands. The City may not impose any costs on the Applicant under this section to reimburse the City for any capital or operating costs that have been or will be included in the calculations used to set the City's Capacity Fees or water rates. The City may impose the additional costs described in the preceding sentence on Outside Customers only if the City also imposes such additional costs uniformly on City Customers.

3. **Maximum Allowable Water Use.** Water received from the City for use on parcels within the Airport Industrial Area Specific Plan area and on parcels with similar uses within the City's limits shall be limited to an average of 650 gallons of water per day per acre (measured monthly), and Applicants for new or increased City water service for all such parcels shall be required to demonstrate to the City while the City is preparing the Water Supply Report for the Applicant the maximum extent to which the Applicant can further reduce its water consumption by applying the following best management practices:

- **No Flow or Low Flow Fixtures.** These Applicants shall be required to install no flow or low flow water fixtures, and to implement other reasonable water conservation measures that are described in the City's Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.
- **Drought Tolerant Landscape & Irrigation with Recycled Water.** These Applicants shall be required to use only drought tolerant landscaping, and they may only irrigate landscaped areas with recycled water, when it is available.
- **Purple Pipe.** These Applicants shall be required to dual plumb their buildings and install "purple pipe" in all landscape areas in anticipation of the availability of recycled water and shall use the recycled water when available.
- These Applicants shall follow the water conservation methods that are described in the Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.

The City may apply the provisions of this Paragraph 3 to Applicants for new or increased City water service for parcels within the Airport Industrial Area Specific Plan area only if the City also uniformly applies these provisions to all Applicants for new or increased City water service for parcels with similar uses within the City's limits.

4. **Water Offsets.** Applicants for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits that wish to use more than an average of 650 gallons of water per day per acre (measured monthly) shall offset the proposed water use over 650 gallons per day per acre (measured monthly) through the use of one or more options that are made available by the City to the Applicants. These options include, but are not limited to, retrofitting of existing residences with low flow fixtures, purchase of otherwise developable land as permanent open space, or acquisition of other water supply resources as provided for by a water supply analysis that follows the Zero Water Footprint Methodology described in Exhibit F. The City shall make all such options available uniformly to Applicant for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits, and that seek such offsets.

5. **Drought Restrictions.** To the extent permitted by law, the City may curtail or ration the use of water provided by the City below the limit of 650 gallons per day per acre (measured monthly) in dry years through the imposition of drought restrictions that are uniformly applied throughout the City's Water Service Area.

EXHIBIT F

Zero Water Footprint and Water Supply Report Methodology

I. PURPOSE

To implement the Zero Water Footprint Policy adopted by the City Council on October 23, 2007. In this policy, "Zero Water Footprint" is defined as:

"No loss in reliability or increase in water rates for existing water service customers due to requested increased demand for water within the City's Water Service Area."

II. PROCEDURES

- A) **Initial Request.** Applicants for all projects requiring additional water supplies from the City of American Canyon, either inside City limits or in the City's Water Service Area but outside of City limits, shall complete a water supply worksheet estimating average and peak use for indoor and outdoor uses and provide the completed worksheet to the City's Engineering Division.
- B) **Evaluation of Water Footprint.** The Engineering Division shall evaluate the water footprint of the project, using the water supply worksheet provided by the Applicant, to determine whether a Water Supply Report is required. A Water Supply Report will not be required if the project meets the adopted Zero Water Footprint definition. This can be accomplished by projects with no additional water demand or by projects which offset increased water demand by off-site conservation measures.
- C) **Water Supply Report.** A Water Supply Report shall be prepared for all projects that do not meet the adopted Zero Water Footprint definition. The Water Supply Report shall be prepared by the City of American Canyon at the cost of the project applicant. The Water Supply Report shall be substantially in the form of the report approved in the City's Resolution No. 2008-02, or in a new form approved by the County and approved by the City in a new resolution and shall include the following analysis:
- 1) Water service request
 - a) Description of project
 - b) Water service request
 - (i) Average Daily Demand
 - (ii) Peak Day Demand
 - c) Conservation Measures Included in Project
 - 2) Consistency
 - a) Urban Water Management Plan
 - b) Recycled Water Facilities Plan
 - c) Water Conservation Implementation Guidelines
 - 3) Water footprint
 - a) Zero Water Footprint Definition
 - b) Project's impact on reliability
 - c) Project's impact on rates

- d) Project's water footprint
- 4) Project's contribution
 - a) Capacity fee
 - b) Reimbursable improvements
- 5) Capital program status
 - a) Summary
 - b) System planning status
 - c) Water supply
 - (i) Water supply implementation status
 - (ii) Water supply alternatives
 - d) Water treatment
 - (i) Water treatment implementation status
 - (ii) Water treatment alternatives
 - e) Water storage, transmission, and distribution status
 - f) Water capital program financial status
- 6) Vineyards analysis
 - a) Vineyards decision
 - b) Facts with respect to solutions to water supply problems
 - c) Water supply over the life of the project
 - d) Impacts of likely future water sources
 - e) Possible replacement sources and their impacts
- 7) Recommended mitigations
 - a) Long term water mitigations
 - b) Short term water mitigations
- 8) Opportunities to reduce project's water footprint
 - a) On-site conservation opportunities
 - b) Off-site conservation opportunities

D) Applicant Review of Water Supply Report. The Water Supply Report, once approved by the City, will be furnished to the project applicant. If the applicant elects to revise the project to reduce the water footprint, the Water Supply Report may be revised at the applicant's cost.

E) Water Will Serve Letter. Water will-serve letters are required for projects outside of the Napa Valley Gateway project limits that are requesting increased water services from the City. The Napa Valley Gateway project is subject to the terms and conditions of a will-serve letter for the entire project agreed upon between the City of American Canyon and Charles Slutzkin of Napa Valley Gateway Limited in a will-serve letter agreement dated December 13, 2002. So long as the terms and conditions of that will-serve letter agreement are complied with, developments of parcels within the Napa Valley Gateway project limits will not require any Water Supply Report or additional will-serve letters.

EXHIBIT G

Appeal Procedure: Zero Water Footprint Methodology

1. **Grounds for Appeal- Conditions of Approval.** If the water service application is for a parcel outside the City's limits, then the City shall, within 30 days of receipt of such application, provide to the Applicant and the County any conditions of approval that the City proposes to impose on the parcel at least 90 days before imposing the conditions of approval.

Conditions of approval that result from the Water Supply Report and that the City proposes to include in a water service will-serve letter that will be issued by the City for a parcel outside of the City's limits may be appealed by an Applicant under the process described in Section 3 below.

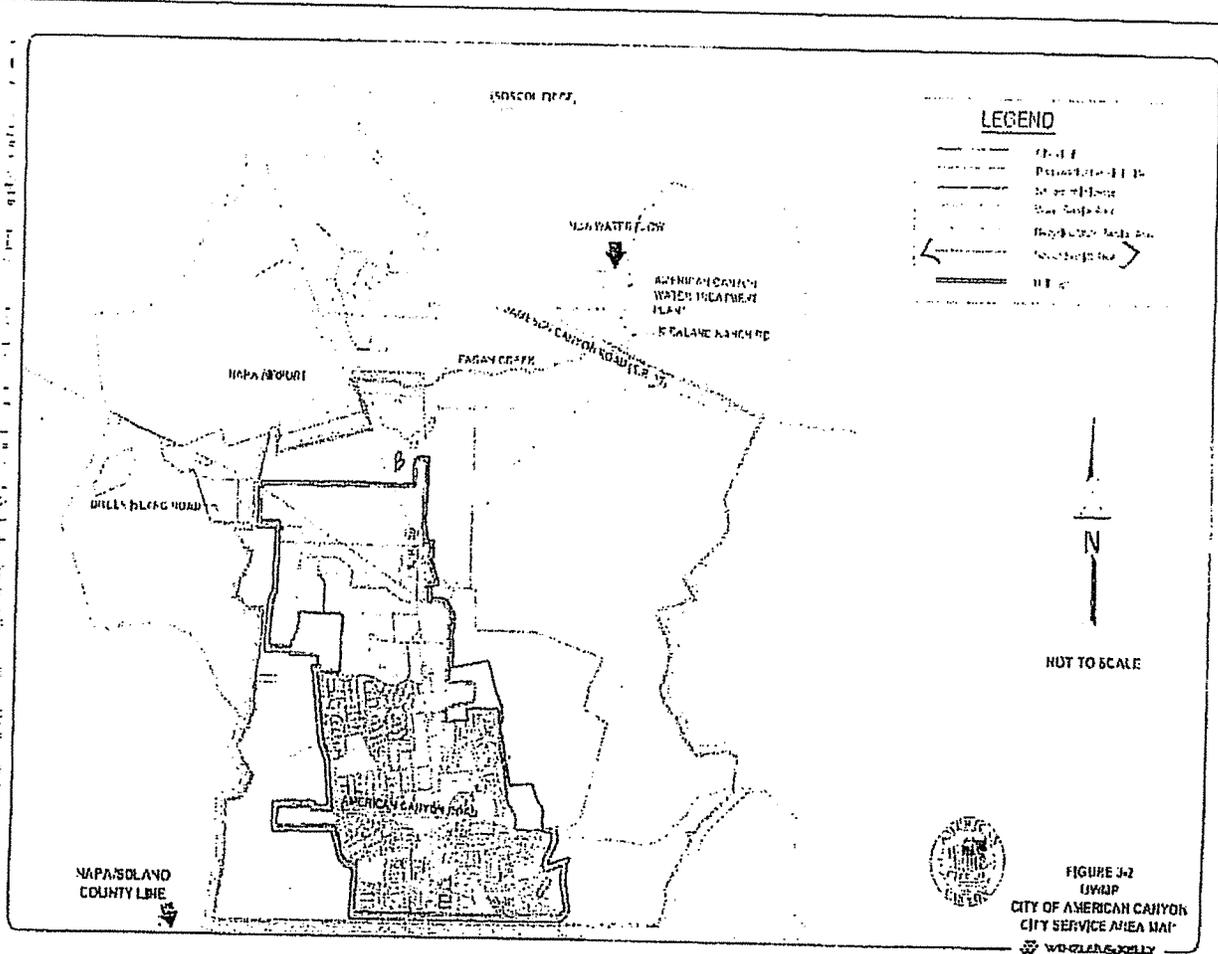
2. **Exceptions:** An appeal may not challenge water rates imposed by the City that are consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172, and the City's Ordinance 2007-13. An appeal also may not challenge Capacity Fees that are set pursuant to the City's Ordinance 2007-09, or new capacity fees approved by the County and enacted in a new City ordinance.

3. **Appeal Process and Appeal Panel.** An appeal of water service conditions of approval that the City proposes for a parcel outside the City's limits may be filed within ninety (90) days after the proposed conditions are forwarded to the Applicant and the County for inclusion in a development permit. The appeal will be heard by the panel described in the following paragraph, and this panel will determine whether any of the conditions under appeal is inconsistent with any provision of this Agreement.

The Appeal Panel will be made up of one member selected by the County Executive Officer, one member selected by the City Manager and one member selected by the two appointed members. If the two appointed members cannot agree on the third member, the name of each candidate shall be placed in a hat to be drawn for selection. The decision of the Appeal Panel will be final, but subject to judicial review pursuant to Code of Civil Procedure section 1094.5. The reasonable cost of the Appeal Panel shall be borne by the Applicant.

EXHIBIT H

City's Water Service Area





A Tradition of Stewardship
A Commitment to Service

Conservation, Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director

5-9-09

Building Inspection Department review comments for inclusion with:

Planning Department permit: P09-00153 Use Permit General

Status of Building Department review of this Permit: Approved

At property: 057-210-022-000

SW corner of Technology Court & Technology Way, Napa, CA

Owner: Busby Enterprises Inc

Description of permit: Request to construct a 30,158 square foot warehouse/office building for the purpose of mail order catalog sales. Distribution and administration, items are received, warehoused, sold and shipped from site.

Comments:

The Building Department has no issues or concerns with the approval of the Use Permit General. No significant California Building Standards Code issues can be foreseen at this time based on the information presented. Any such issues will be dealt with during future building permit application and review processes.

Please note however that the layout of the accessible parking spaces shown doesn't appear to meet the intent of CBC 1129B.1 that *"In buildings with multiple accessible entrances with adjacent parking, accessible spaces shall be dispersed and located closest to the accessible entrances."*

All plans and documents for commercial projects are required by State Law to be prepared and coordinated under the direction of a California Licensed Architect, or other allowable properly CA-Licensed Design Professional in Responsible Charge (Business and Professions Code, Chapter 3, Division 3 & California Building Code, Appendix Chapter 1).

Prior to any future construction work applicable building permits for the work must first be obtained; all work must comply with all applicable code requirements, including accessibility requirements of CBC Chapter 11B. Submit complete & appropriate plans, specifications, energy compliance and engineering, etc. when applying for permits.

A handwritten signature in black ink, appearing to read "Eric Banvard".

Eric Banvard
Plans & Permit Supervisor
Conservation Development & Planning
Napa County, CA 94559



A Tradition of Stewardship
A Commitment to Service

Alicia Amaro
Napa County Fire
Asst. Fire Marshal
1199 Big Tree Road
St. Helena, CA 94574

alicia.amaro@fire.ca.gov

Main: (707) 967-1425
Fax: (707) 967-1474
Cell: (707) 486-5782

INTER-OFFICE MEMO

TO: Conservation, Development, and Planning Department

FROM: Alicia Amaro, Fire Department

DATE: February 10, 2010

SUBJECT: Busby Warehouse Use Permit Comments
Apn: 057-210-022 P09-00153

Site Address: 455 Technology Way, Napa

The Napa County Fire Marshal staff has reviewed the Use Permit application to construct a new 30,158 square foot warehouse / office building at the above address. We recommend that the following items shall be incorporated as project conditions or mitigation measures if the commission approves the project.

- 1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of building permit issuance.**
2. The *minimum* required fire flow for the protection of the proposed buildings is 4,750 gallons per minute at 20 pounds residual water pressure. This flow is based on the square footage of the building. Because this project will require automatic fire sprinklers a reduction in the required fire flow is allowed, bringing the fire flow to 2,375 gallons per minute at 20 pounds residual water pressure.
3. The building will be required to be protected with an automatic fire sprinkler system designed and maintained in accordance with the *National Fire Protection Standard #13 (Installation of Automatic Sprinkler Systems 2002 edition)*.
4. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintained in accordance to *the National Fire Protection Standard #20 (Installation of Stationary Pumps for Fire Protection 2003 edition)*. Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.

5. The private fire service mains shall be installed and maintained in accordance with the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 2002 edition)*.
6. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2007 edition*. Fire hydrant shall be placed within 250 feet of all exterior portions of the building.
7. All post indicator valves, control valves, waterflow devices shall be monitored by an approved remote station or central alarm monitoring company. Digital alarm communicator system panel shall be installed and maintained in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 2002 edition)*.
8. Fire apparatus access roads shall be provided to within 150 feet of all portions of the structures. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet.
9. Access roads from the public and/or private right-of- ways to the project / building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
10. The request for beneficial occupancy ***will not*** be considered until all fire and life safety issues have been installed, tested and finalized.
11. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
12. The approved address numbers shall be placed on the building by the applicant in such a position as to be plainly visible and legible from the street or streets fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 4" in height for the building, contrasting in color with their background and shall be illuminated.
13. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.
14. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb or on signs.
15. Buildings with high piled storage exceeding 12 feet in height shall be equipped with smoke and heat vents and curtain boards in accordance with the *California Fire Code, Chapter 23, 2007 edition*.

16. Firefighter access doors in high piled storage occupancies shall be installed every 100 linear feet per the *California Fire Code, Chapter 23, 2007 edition*.
17. Currently serviced and tagged fire extinguishers with a minimum rating of 2A10BC shall be provided within 75 feet of travel distance from any portion of the facility and shall be mounted 3 1/2 to 5 feet to the top of the extinguisher.
18. All exit doors shall be operable without the use of a key or any special knowledge or effort.
19. Illuminated exit signs and emergency back up lighting shall be installed throughout the building per the *California Building Code, section 1004, 2007 edition*.
20. A Knox cabinet will be required to allow emergency vehicle access to the site. Because an alarm system is required the Knox box/cabinet will require "tamper monitoring".
21. The Knox Cabinet shall have one or all of the following items placed in the Knox cabinet, dependent on requirements of this facility:
 - a. A minimum of 2 master keys to the structure(s) for emergency access.
 - b. 2 scaled site plans of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
 - c. 2 scaled floor plans of all structures showing doors, offices, etc.
 - d. Napa County Hazardous Materials Business including all MSDS forms, etc.
 - e. **A digital file of the site and floor plans in a PDF format must be submitted at building final in addition to the hard copies listed above.**
22. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements.
23. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
24. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at **no** charge to the County for independent peer review of alternate methods proposals.
25. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and / or as described above.
26. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established hourly rate as adopted by the Napa County Board of Supervisors by resolution.

Please feel free to contact the Napa County Fire Marshal's Office at (707) 967-1425 to discuss any fire protection issues you may have regarding your project.

Alicia Amaro
Assistant Fire Marshal

CITY OF AMERICAN CANYON

Napa Valley's New Destination



March 24, 2009

Hilary Gitelman
Napa County Planning Department
1195 Third St., Room 210
Napa, CA 94559

SUBJECT: Water Service "Will Serve" Letter
Napa County APN 057-210-022
Walkenhorst Building

Dear Ms. Gitelman:

The City of American Canyon ("City") has received a request from Ms. Debby Hight of Triad/Holmes Associates on behalf of Stewart Walkenhorst, (Applicant/Owner) for a will serve letter for improvements and use as described below related to the proposed improvement of real property on Technology Court, at Napa County Assessor's Parcel Number 057-210-022 ("the Property"). The request is subject to both City and State legal requirements as detailed below.

Napa Valley Gateway Unit 3 was issued a will-serve letter for water service by the City of American Canyon on June 18, 1991. The will-serve policy approved by City Council in 1998 required the Public Works Department to obtain Council approval for water service commitments outside the city limits but within the City's water service area. However, because will-serve commitments had previously been granted to the Napa Valley Gateway project, the Public Works Department requested that City Council authorize staff to issue will-serve letters for individual lots within the Napa Valley Gateway development. Council granted staff that authority on November 15, 2001. At the August 5, 2008, City Council meeting, the City of American Canyon adopted Ordinance No. 2008-08, which revised the City's "Will Serve" policy to require that certain conditions and exactions be imposed prior to receiving water service for a parcel. On October 23, 2007, the City Council adopted a Zero Water Footprint Policy, further defining its water policy.

The City's understanding of the use of the property is based on the representations of the Applicant/Owner in a communication from Ms. Hight dated January 28, 2009. The Applicant is proposing to construct a 35,000 square foot industrial building at Technology Court for a mail order distribution company. The attached table outlines the anticipated water usage at the proposed development.

The use and water use are as follows:

Warehouse/Office:	35,000 square feet
Total lot acreage:	3.40 acres

Maximum Daily Water Demand in gallons per day:

Irrigation:	0 gpd
Domestic:	4,000 gpd
Industrial	0 gpd
Combined peak daily water usage:	4,000 gpd

Annual Average Daily Water Demand in gallons per day:

Irrigation:	0 gpd
Domestic:	2,000 gpd
Industrial:	0 gpd
Combined peak daily water usage:	2,000 gpd

According to the applicant's engineer, the domestic water demand is estimated to be 588 gallons per acre per day.

City records as of March 3, 2009, indicate that 149,982 gpd (gallons per day) are being used by existing projects or have been allocated to permitted development projects within Napa Valley Gateway. Adding this request, results in 151,982 gpd being used by existing projects or allocated to permitted development projects within Napa Valley Gateway. This is less than the cap of 191,100 gpd agreed upon between the City of American Canyon and Mr. Charles Slutzkin of Napa Valley Gateway on December 13, 2002.

City Review

The City review of the proposed development is required as described previously, as well as established by City procedures which are meant to ensure that Will Serve Letters are only issued based on assumed water and sewer demands for specified allowed densities of development, taking into account the overall demand for water and the overall demand for effluent discharge within the City's system.

The City will provide the level of water service requested by the Applicant, subject to the following conditions and/or the continued existence of the following described conditions:

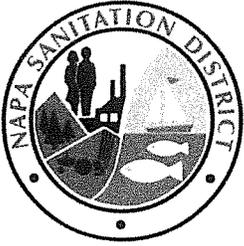
1. Applicant shall be subject to the City's rules and regulations in force at the time application for service for the authorized and described development is made, including all fees and charges, unless otherwise agreed in writing.
2. Applicant shall construct all facilities required to serve the development property which shall be determined by the City based on the authorized and described development. Applicant shall bear 100% of the costs of the facilities required to serve the development property, subject to review and approval of the City's Public Works Department. Applicant shall also be responsible for paying its proportionate fair-share allocation of any additional regional facilities required to serve the development property, including, but not limited to, participation in a mutual beneficial assessment district to be initiated by others.
3. Applicant shall submit to the City cost estimates for the construction of all on- and off-site public water facilities required for the authorized and described development. If the City finds the costs reasonable, the Applicant shall pay to the City an amount equal to

Applicant's proportionate fair share of 5% of the agreed-upon construction costs to cover plan check and inspection services by the City. This fee is fixed and non-refundable. This Will Serve Letter is conditional upon the City's agreeing in writing to the estimated costs.

4. The Applicant shall waive all present and future protest(s) to a 40% surcharge on water rates for outside-the-City users or such other surcharge on water rates for outside-the-City uses as may be formulated by the City (e.g., drought conditions).
5. Because the City faces a cutback of up to 96% in its allocation from the State Water Project during extremely dry years, as documented by the City's Urban Water Management Plan, it is seeking additional water supply in the form of transfers of rights. The cost of this water supply is not known, nor is it included in the current City rates. The City is considering a drought surcharge on all customers, existing and new, in order to finance a drought reserve. The Applicant agrees to waive any protest to such a drought surcharge during its formulation and implementation and review under the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA").
6. As a result of *Vineyard Area Citizens for Responsible Growth v. Rancho Cordova* (2007) 40 Cal.4th 412, the lead agency as defined under CEQA, here the County, in its environmental review of a development project, including what is currently proposed by the Applicant, must at a minimum accomplish an environmental review under CEQA that: (a) presents sufficient facts to evaluate the pros and cons of supplying the water that the project will need; (b) presents an analysis that assumes that all phases of the project will be built and will need water, and includes an analysis to the extent reasonably possible of the consequences of the impacts of providing water to the entire project; and (c) where it is impossible to determine that anticipated future water sources will be available, some discussion of possible replacement sources or alternatives to use of anticipated water and of the environmental consequences of those impacts must be presented. *Vineyard, supra*, 40 Cal.4th 430-434.
7. Financial Obligation for Water Service
 - a. Monthly water service charge will be \$3.96/100 cubic feet. (This fee is subject to change to coincide with current City of Vallejo water rates).
 - b. The water capacity fee for the subject use will be \$68,440 (maximum day demand X \$17.11).

This Will Serve Letter supersedes all prior purported Will Serve Letters and service commitments to the development of the Property with any use. This Will Serve Letter will remain valid for a period of two years from its date and is only valid for the authorized development. The City reserves the right to further condition extension of water service if development different from that presently proposed and authorized is pursued or if events out the City's control impact the City's ability to furnish water.

Except to the extent set forth, this letter does not create a liability or responsibility to the Applicant or to any third party on behalf of the City. The City does not make a determination as to land use entitlements required for the proposed project, and the issuance of this Will Serve Letter shall not be construed to be an expression of the City of a position regarding the use or



Dedicated to Preserving the Napa River for Generations to Come

935 HARTLE COURT
P.O. BOX 2480
NAPA, CALIFORNIA 94558-0522
TELEPHONE (707) 258-6000
FAX (707) 258-6048

March 5, 2009

Conservation, Development and Planning Department
County of Napa
1195 Third Street, Room 210
Napa, CA 94559

Re: APN 057-210-022 Lot 1 in Napa Valley Gateway Unit 3 Phase 4

To Whom it May Concern:

The Napa Sanitation District has received a request to provide a "Will Serve" letter for a proposed 35,000 square foot warehouse/office building to be constructed on the aforementioned parcel. The District has been informed that proposed development will generate approximately 2,300 gallons of wastewater per day which is equivalent to approximately eleven single-family dwellings.

This property is within the District's boundaries, and the downstream sanitary sewer facilities are adequate to serve this development. The District will allow the proposed development to connect to the public sanitary sewer system upon payment of the appropriate connection and inspection fees, and shall be subject to all applicable rules and regulations of the District. Additional conditions of approval may be established by the District at the time a formal application is submitted to the County of Napa Planning Department.

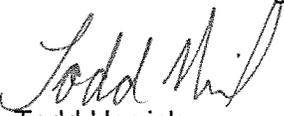
Additionally, it should be noted that this area is within the District's Reclaimed Water Benefit Zone. The development will be required to install the necessary facilities to utilize reclaimed water for landscape irrigation.

This "Will Serve" letter is valid for a period of five years from the date of this letter. If the proposed development has not obtained its required Connection Permits from the District at the end of this time, this "Will Serve" letter shall become void.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Timothy B. Healy, P.E.
Assistant General Manager/District Engineer


by: Todd Herrick
Senior Engineering Technician

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MAR 06 2009
NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.



Dedicated to Preserving the Napa River for Generations to Come

February 22, 2010

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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Conservation, Development, and Planning
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: PO9-00155, Busby Warehouse, APN: 057-210-022 (Trippi)

The Napa Sanitation District has reviewed the above-named application, which will be reviewed at the Interdepartmental Staff Meeting on 2/16/10.

The owner shall pay to the District the prevailing fees and charges in effect as established by Resolutions and Ordinances before the issuance of a County Building Permit, and shall adhere to the rules and regulations as they apply to the application.

The proposed project shall be subject to the following conditions of approval:

1. No floor drains are allowed in the building except in the restroom areas.
2. The proposed project falls within the District's Reclaimed Water Benefit Zone. The project shall utilize reclaimed water for all landscape irrigation purposes. The owner/developer shall be responsible for installing the necessary onsite irrigation facilities per NSD's "Water Reuse Program" manual.
3. The property owner/developer shall install private reclaimed water lines across the northern and eastern frontage of the property per Napa Valley Gateway Reclaimed Water Master Plan.
4. Grease interceptors shall be required for any restaurant or food service areas.
5. A plan showing the required sanitary sewer improvements and reclaimed water improvements shall be prepared by a registered civil engineer conforming to NSD standards, and shall be submitted to the District for approval.
6. The proposed business shall follow the Best Management Practices for the photo processing and printing industry. The applicant shall contact the District for additional information.
7. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
 - a. Plan Check Fees (presently \$40.00 per lot)

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- b. Inspection Fees (presently \$1.25 per lineal foot for main lines and \$35.00 per each 4" street lateral and \$35.00 per each 4" onsite lateral)
- c. Connection Fees (presently a minimum of \$5,660.00 per each commercial unit / tenant space, located within the proposed building. The connection fee may be higher depending on the number of fixture units installed within each commercial unit / tenant space. The owner shall contact the District for additional information.)

Please include this information as a part of your consideration of the application.

Sincerely,

Timothy B. Healy, P.E.
Assistant General Manager/
District Engineer

by: 
Roger Bray
Assistant Engineer