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Napa County Planning, Building
& Environmental Services

RESOLUTION NO. 2015-107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA, APPROVING THE NAPA LOGISTICS PARK PHASE 2 CONDITIONAL USE PERMIT TO ALLOW INDUSTRIAL USES; BUILDING HEIGHTS UP TO 100 FEET; AND RELAXATION IN THE REQUIRED MINIMUM LANDSCAPE AREA FOR FRONT AND SIDE YARD AREAS; FOR THE PROJECT SITE LOCATED SOUTH OF THE NAPA COUNTY AIRPORT AND WEST OF THE NAPA BRANCH RAILROAD LINE, APN 059-090-069, (FILE NO. PL 14-0032)

WHEREAS, Orchard Partners, LLC, the property owner and applicant, has submitted a Conditional Use Permit application to develop the 173-acre Napa Logistics Park Phase 2 (NLP 2) site with up to 2,271,000 square feet of warehouse, distribution, E-commerce, manufacturing, and accessory retail/office uses, to allow building heights of up to 100 feet, and to allow the relaxation of front and side yard landscaping requirements; and

WHEREAS, on December 15, 2015 the Planning Commission and City Council conducted a duly-noticed joint public hearing to evaluate the NLP 2 Project and Final EIR and heard all public speakers and considered written materials including the staff report and oral testimony given at the meeting; and

WHEREAS, on December 15, 2015 the Planning Commission adopted Resolution 2015-08 recommending that the City Council certify the Final EIR as adequate to address environmental impacts associated with the NLP 2 Project, adopt a Statement of Overriding Considerations for the Project, and adopt the Mitigation Monitoring and Reporting Program, based on all of the evidence presented; and

WHEREAS, on December 15, 2015 the Planning Commission adopted Resolution 2015-09 recommending that the City Council approved the Conditional Use Permit subject to findings and conditions; and

WHEREAS, on December 15, 2015 the City Council adopted Resolution 2015-106 certifying the Final EIR as adequate to address environmental impacts associated with the NLP 2 Project, adopting a Statement of Overriding Considerations for the Project, and adopting the Mitigation Monitoring and Reporting Program, based on all of the evidence presented;

NOW, THEREFORE, BE IT RESOLVED that the City Council makes the all the required findings to approve the Conditional Use Permit, as follows:

SECTION : 1 Findings to Approve the Conditional Use Permit

The City Council now makes the required findings for approval of a Conditional Use Permit as set out in American Canyon Municipal Code (ACMC) Section 19.42.020 (D) as follows:

- 1. The proposed use is consistent with the policies and programs of the general plan and any applicable master or specific plan.**

Basis for the Finding: The Napa County Airport Industrial Area Specific Plan (NCAIASP) is the basis for land use and development regulations within the project vicinity. The project site is designated for Light Industrial/Business Park uses and the proposed project is consistent with those uses. The EIR in Table 8.3.2 starting on page 3.8-8 provides an evaluation of each General Plan goal, objective, policy and how the proposed project is consistent with them. On page 3.8-51 of the EIR, the proposed uses and amount of development is found consistent with the Specific Plan. The analysis and findings from Table 8.3.2 and page 3.8.51 of the EIR are incorporated by reference and

adopted by the City Council as though fully set forth. When the detailed project plans for site and building development are submitted, they will be reviewed for compliance with the individual development regulations on setbacks, etc. Therefore, the proposed use is consistent with the General Plan and Specific Plan.

2. The proposed use is consistent with the purpose(s) and standards of the applicable zoning district(s).

Basis for the Finding: The proposed uses are consistent with the Specific Plan (SP 2) zoning, and the proposed development as shown in the project plans are consistent with the development standards, having to do with setbacks, height, lot coverage, etc. The applicant has asked for two areas of relaxation of the development standards through the Use Permit process, as provided for in the NCAIASP: an increase in building height to 100 feet from the 35 feet allowed as a matter of right in the Specific Plan, and the reduction in the front and side yard landscaping requirements.

The increase in building height is to accommodate contemporary warehouse design and the potential needs of a manufacturing use. The applicant submitted a *Land Use Compatibility and Airspace Analysis Report*, prepared by Mead and Hunt dated June 2015 which found that the increased building height was compatible with the operations at the Napa County Airport.

The area of the required front and side yards that must be landscaped is 25 feet wide for front yard landscaping and 10 feet wide for the side yard landscaping. As the project undergoes detailed site and building design, the applicant has requested flexibility in order to accommodate shared parking and driveways between adjacent buildings, and to accommodate any unusual site configuration or conditions, such as Lot 5. The Specific Plan allows for such relaxation through the Use Permit. The relaxations will be shown on the plans submitted for a Design Permit which will be reviewed by the Planning Commission. The Commission will determine that there is sufficient landscaping for the site, even with the relaxations, and whether a relaxation is necessary.

3. The proposed use complies with applicable policies of the Napa County Airport land use compatibility plan.

Basis for the Finding: The EIR evaluated the proposed project for consistency with the Airport Land Use Plan and found that the project is consistent, with one area of concern (see pages 3.8-51 through 3.8-65). The project includes a conserved wetland area, drainage basins, and landscaping which may have the potential to attract birds and wildlife which could pose a threat to aircraft operations. The EIR includes a Mitigation Measure LU-3 which requires the preparation and implementation of a wildlife management plan to ensure that these areas do not serve as attractants for wildlife or large flocks of birds which could be incompatible with aviation operations. With this mitigation measure the proposed development is consistent with the Airport Land Use Plan.

4. The project site is physically suitable for the type and intensity of land use being proposed.

Basis for the Finding: The project site, with the conditions for offsite transportation and utility improvements will be suitable for the type and intensity of industrial development proposed. The Western Napa Fault crosses the western portion of the site and is mapped as an Alquist-Priolo Special Study Area. See Exhibit 3.5-1 in the EIR. Mitigation Measure GEO-1 requires that a fault study be prepared to identify the location of the fault and recommend appropriate setbacks and construction requirements. With this mitigation measure and the off-site improvements, the site is physically suited for the proposed development.

5. The proposed use will not be a nuisance or materially detrimental to the general health, safety, and welfare of the public or to property and residents in the vicinity.

the one-year period, provided that the Director can make the findings that there have been no substantial changes in the approved plans, and that there has been no change of circumstances which would prevent any of the required findings of approval being made.

7. The Conditional Use Permit approves the following uses on the project site, as described in more detail in the Napa county Airport Area Specific Plan, in Chapter V. Land Use Element, Section B Light Industrial/Business Park Areas, Section 2, Allowable Uses :

Approved Uses by Square Footage

Use	Square Feet
Warehouse, distribution, and e-commerce, at least	1,171,000
Manufacturing, Not to exceed	1,000,000
Office, not to exceed	100,000
Total	2,271,000

Accessory uses to these primary uses include office use which is a part of a manufacturing or warehouse use; or retail sales of goods produced on the project site.

8. Building heights may extend up to 100 feet, subject to review and approval through a subsequent Design Permit approval.
9. The required front yard landscape area of 25 feet and the required side yard landscape area of 10 feet may be reduced, subject to the following findings being made as part of a subsequent Design Permit:
- a. There is sufficient landscaping on the site, even with the reductions, to provide proper screening of parking areas, attractive landscaping along the street, and visual screening and variation for large industrial buildings.
 - b. The relaxation is necessary to accommodate unusual site characteristics or lot configurations, or to achieve better site design such as shared parking and site circulation which cannot be achieved and comply with the landscape requirements.
10. The existing access to the Napa County Airport provided over Middleton Way (at the eastern boundary of the Phase 2 Site), may be replaced by alternative access along a future roadway in the general location of Roadway C as shown on Exhibit A, subject to a subsequent Tentative Map approval and concurrence by Napa Airport.
11. The proposed Access Road B may be connected to the existing terminus of Devlin Road as shown in Exhibit A, but the access road shall be reconfigured to connect to the Devlin Road extension at a 90-degree angle to the satisfaction of the City Engineer.
12. In accordance with American Canyon Municipal Code Section 19.42.040, failure to operate the conditionally approved uses in accordance with conditions of approval, or if the use is operated in a manner that is detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity, the Use Permit may be subject to revocation or modification after a public hearing on the matter has been conducted.

29. Provide a digital copy of the Improvement Plans that include all as-built or field changes, in digital AutoCAD format, compatible with the City's current version, and tied to the City's coordinate system.

30. This approval of the Conditional Use Permit shall be of no force and effect unless and until the Napa County Airport Land Use Commission (ALUC) makes a consistency determination for the project, or the American Canyon City Council approves an override, should the ALUC make a finding of inconsistency.

31. The City has initiated implementation of its Housing Element Affordability Goals and Policies in commencing a nexus study to determine affordable housing impact fees, including fees for non-residential development. In order to ensure Project consistency with the City General Plan Housing Element affordable housing goals and policies, the Napa Logistics Park Phase 2 shall be responsible for paying the affordable housing impact fee in effect at the time of building permit issuance.

MITIGATION MEASURES

32. All of the Mitigation Measures as set out in the adopted Mitigation Measure Monitoring and Reporting Program are conditions of this approval and are set out as follows:

MM AES-2: Prior to issuance of building permits for the proposed project, the project applicant shall prepare and submit a photometric plan to the City of American Canyon for review and approval. The photometric plan must demonstrate that all exterior light fixtures would be directed downward or employ full cutoff fixtures to minimize light spillage and avoid interference with aviation operations at the Napa County Airport. The approved plan shall be incorporated into the final building plans.

MM AIR-2: All construction activity: During construction activities, the following air pollution control measures shall be implemented:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or more as needed.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph.
- All roadways, driveways, and sidewalks shall be paved as soon as possible.
- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes (beyond the 5 minute limit required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- A publicly visible sign shall be posted with a name and telephone number of the applicant's representative for dust complaints. This person shall respond and take corrective action within 2 business days of a complaint or issue notification. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.

Agency to determine the guidelines and regulations applicable to the operations. If required, tenants shall prepare a Risk Management Plan consistent with CalARP prior to undertaking any storage or use of acutely hazardous materials.

MM HAZ-1c: During construction and operations, hazardous materials shall not be disposed of or released onto the ground, the underlying groundwater, or any surface water. Totally enclosed containment shall be provided for all trash. All hazardous construction waste shall be removed to a hazardous waste facility permitted or otherwise authorized to treat, store or dispose of such materials.

MM HYD-1a: Prior to issuance of grading permits for the proposed project, the City of American Canyon shall verify that the applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site best management practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and (4) stabilization BMPs are installed to reduce or eliminate pollutants after construction are completed. The SWPPP shall be prepared by a qualified SWPPP developer. The SWPPP shall include the minimum BMPs required for the identified Risk Level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.

MM HYD-1b: Prior to issuance of building permits for the proposed project, the project applicant shall prepare a Stormwater Control Plan that includes post-construction stormwater controls in the site design to satisfy requirements of the Phase II Small MS4 Permit. This shall include a review of the final Stormwater Control Plan by the City of American Canyon to ensure the required controls are in place.

Provision E.12.h of the MS4 Permit requires an operation and maintenance program be implemented for post-construction stormwater management features. Responsible parties and funding for long-term maintenance of all BMPs must be specified. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the MS4 Permit. Reports documenting inspections and any remedial action conducted shall be submitted regularly to the City for review and approval.

MM LU-3: Prior to issuance of the first building permit, the project applicant shall retain a qualified biologist to prepare a wildlife management plan for the landscaping and storm water detention basins. The plan shall incorporate applicable Federal Aviation Administration guidance for wildlife management and provide recommendations for the design and operation of the landscaping and storm water detention basins to ensure that they do not serve as attractants for wildlife or large flocks of birds that may be potentially incompatible with aviation operations. As part of plan development, the applicant shall consult with Napa County Airport representatives. The City of American Canyon shall confirm that the wildlife management plan's recommendations are reflected in the design and maintenance plans for the landscaping and storm water detention basins. The plan shall:

- If necessary, refine or adapt water management designs to comply with the guidance set forth FAA guidance. Once developed, the project proponent shall provide copies of its stormwater management plans to the airport management for review by an FAA qualified Wildlife Biologist to

confirm that the proposed slope design and bio retention plantings are consistent with Advisory Circular 150/5200-33B.

- Refine or adapt project landscape designs to include materials that will not be attractive to potentially hazardous wildlife. The project proponent should provide copies of its proposed landscape plans and plant palettes to airport management for review by an FAA-qualified Wildlife Hazard Damage Biologist to confirm that the proposed landscaping will be consistent with airport operations.
- Develop design standards to address aviation and wildlife hazard management concerns. The project applicant shall develop specific design standards for incorporation into lease documents that address wildlife hazard management. For example, site users shall be directed to store all refuse in covered bins or dumpsters and equip signs and light standards with non-perching devices.
- Establish a process for ongoing coordination with the Napa County Airport staff regarding wildlife management, facility management procedures, and airport operations so that changes in wildlife activity during or following project construction can be identified and addressed.

MM NOI-1: During construction activities, the following noise attenuation measures and practices shall be implemented:

- Construction activities shall be limited to the hours between 7 a.m. to 7 p.m. The City of American Canyon shall have the discretion to permit construction activities to occur outside of allowable hours if compelling circumstances warrant such an exception (e.g., weather conditions necessary to pour concrete).
- All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction features were installed by the manufacturer, then the contractor shall require that at least a muffler be installed on the equipment.
- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence (e.g., a heavy equipment breakdown).
- During the grading phase of the off-site utility work, temporary sound barriers shall be utilized to block the line of site from operating heavy construction equipment to any residence within 150 feet of an active construction area.

MM PSU-6: Prior to issuance of building permits, the project applicant shall prepare and submit a Waste Management Plan to the City of American Canyon for review and approval. The plan shall estimate volume or weight of project construction and demolition debris; materials type to be generated; the maximum volume or weight of such materials that can feasibly be diverted via reuse or recycling, the vendor or facility proposed to use, collect, or receive that material; the estimated volume or weight of construction and demolition materials that will be land filled; and project square footage. The approved plan shall be implemented during construction activities.

MM TRANS-1a: To mitigate this significant impact of greater trip generation from more intense land uses on the project site, the Applicant shall establish a Transportation Demand Management (TDM) program. The intent of the TDM program is to ensure that traffic volumes generated by Project do not exceed that which would occur from warehouse-only uses. Notwithstanding its intent, the applicant shall implement this mitigation measure regardless of the mix of uses (warehouse-only or warehouse/industrial/office) that is eventually built.

The Applicant shall enter into a TDM Agreement prior to the issuance of the first building permit. The TDM Agreement shall require that an effective TDM program be implemented prior to the first certificate of occupancy and be subjected to on-going periodic monitoring thereafter. The TDM