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**Recommended Conditions of Approval
and Final Agency Approval Memos**

**PLANNING COMMISSION HEARING – JANUARY 16, 2019
RECOMMENDED CONDITIONS OF APPROVAL**

**INNOVA GATEWAY SPECULATIVE BUILDING
USE PERMIT #P18-00117-UP
EAST SIDE OF GATEWAY ROAD EAST
APN'S 057-200-002 & 0003**

This Permit encompasses and shall be limited to the project commonly known as Innova Gateway Speculative Building, located on the east side of Gateway Road East, west of SR 29. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

Where conditions are not applicable or relevant to this project, they shall be noted as "Reserved" and, therefore, have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

This Permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit for a speculative building as follows:
 - a. Construction of a one-story 68,677 sf building with approximately 61,809 sf of warehouse area and 6,868 sf of office area;
 - b. On-site parking for 73 vehicles;
 - c. Two new driveways on Gateway Road East;
 - d. Merging the two parcels to create the project site; and,
 - f. Landscape improvements and signage

The building shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa Valley Business Park Specific Plan and Napa County Code (County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 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 of approval 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 to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the permittee'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 so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the project:

4.1 GROUND WATER MANAGEMENT – WELLS [RESERVED]

4.2 AMPLIFIED MUSIC

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.

4.3 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00 – 6:00pm). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.4 PARKING

All parking, driveways, and internal roadways shall comply with the Napa County Road and Street Standards. Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations. In no case shall parking impede emergency vehicle access or public roads.

4.5 TENANCY CHANGE

- a. Any future change of tenancy within the structure shall require administrative review and approval by the PBES Department prior to occupancy. The permittee shall provide the PBES 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 PBES 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.
- b. Parking based on the use of the tenant/building shall be provided in compliance with the Napa Valley Business Park (NVBP) prior to issuance of a Final Certificate of Occupancy. Parking shall be provided in accordance with the NVBP upon any change of use and/or tenancy, subject to review and approval by the PBES Director. The installation of parking may be deferred until such time as building tenancy requires, subject to review and approval by the PBES Director. Additional landscaping shall be provided in place of any deferred parking spaces.

4.6 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

Please contact the Building Division with any questions regarding the following:

In accordance with the California Building Code (CBC), no change shall be made in the use or occupancy of an existing building unless the building is made to comply with requirements of the current CBC as for a new building.

4.7 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**

4.8 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

4.9 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
- b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
- c. All outdoor screening, storage, mechanical equipment and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.

- d. The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint color that differs from the approved building permit. Highly reflective surfaces are prohibited.
- e. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.10 NO TEMPORARY SIGNS

Temporary off-site signage, such as "A-Frame" signs are prohibited.

4.11 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated December 18, 2018.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated December 19, 2018.
- c. Building Division operational conditions as stated in their Memorandum dated April 19, 2018.
- d. Department of Public Works operational conditions as stated in their Memorandum dated October 17, 2018.
- e. Fire Department operational conditions as stated in their Memorandum dated May 2, 2018.
- f. City of American Canyon operational conditions as stated in their "will serve" letter dated June 8, 2018 (date stamped November 28, 2018).
- g. Napa Sanitation District operational conditions as stated in their "will serve" letter dated March 15, 2018, and their comment letter dated April 23, 2018.

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

- 4.12 OPERATIONAL MITIGATION MEASURES **[RESERVED]**
- 4.13 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT **[RESERVED]**
- 4.14 PREVIOUS CONDITIONS **[RESERVED]**

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition environmental, building and/or other applicable permit applications:

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division plan review/construction/preoccupancy conditions as stated in their Memorandum December 18, 2018.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated December 19, 2018.
- c. Building Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated April 19, 2018.
- d. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandum dated October 17, 2018.
- e. Fire Department plan review/construction/preoccupancy conditions as stated in their Memorandum dated May 2, 2018.

- f. City of American Canyon plan review/construction/preoccupancy conditions as stated in their “will serve” letter dated June 8, 2018 (date stamped November 28, 2018).
- g. Napa Sanitation District operational conditions as stated in their “will serve” letter dated March 15, 2018, and their comment letter April 23, 2018.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

Please contact the Building Division with any questions regarding the following:

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the CBC or any State or local amendment adopted thereto
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and or site improvements shall comply with the CBC accessibility requirements, as well as, American with Disabilities Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided, as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. 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 Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward; located as low to the ground as possible; the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. 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.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this permit. The plan shall be prepared pursuant to the Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and, to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. All landscaped areas and sidewalks shall be separated from parking and drive aisle areas by a minimum 6 inch raised concrete curb. The irrigation system shall utilize reclaimed water. 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 feet, and compact stalls may be 16 feet. A maximum of 35% of the parking stalls may be compact.
- e. The irrigation system shall utilize reclaimed water when it is made available in the vicinity. Any undeveloped portion of the property shall be hydro-seeded or an approved equivalent and permanently maintained.

6.5 COLORS

Exterior finishes and colors of the building, roof, parking lot and walkways shall be subject to approval by the Planning Division in conjunction with building permit review and/or prior to painting. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

Details of outdoor storage areas and structures shall be included on the building and landscape plans. No outdoor storage is permitted as part of this action. Any proposal for outdoor storage and proposed screening is subject to separate review and approval by the PBES Department. New utility lines required for this project shall be placed underground.

6.7 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 if 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 PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any skylights shall be subject to review and approval by the PBES Director prior to the issuance of building permits.
- b. 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.
- c. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.
- d. Exterior equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.8 TRASH ENCLOSURES

- a. The permittee 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 PBES 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 permittee shall provide adequate, accessible, and convenient areas for the collection and loading of recyclable materials generated by the development. These areas shall be located adjacent to trash enclosures when practical. All recyclable materials areas shall be accessible by collection vehicles. The PBES Director shall approve the design and location of each collection and loading area.

- 6.9 **BICYCLE PARKING**
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.
- 6.10 **CONSTRUCTION CRANES**
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 Federal Aviation Administration's express approval.
- 6.11 **AIRCRAFT OVERFLIGHT EASEMENT**
Upon building permit submittal, 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.
- 6.12 **ADDRESSING**
All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES 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.
- 6.13 **HISTORIC RESOURCES [RESERVED]**
- 6.14 **DEMOLITION ACTIVITIES [RESERVED]**
- 6.15 **PERMIT PREREQUISITE MITIGATION MEASURES [RESERVED]**
- 6.16 **PARCEL CHANGE REQUIREMENTS [RESERVED]**
- 6.17 **FINAL MAPS [RESERVED]**
- 6.18 **OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS**
a. Prior to the issuance of building permits the applicant shall submit an application to merge the parcels comprising the project site (APN's 057-200-002 & 003). The parcel merger shall be completed prior to final occupancy.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

- 7.1 **SITE IMPROVEMENT**
Please contact Engineering Services with any questions regarding the following:

- a. **GRADING & SPOILS**
All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

- b. **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 when average wind speeds exceed 20 mph.

- c. **AIR QUALITY**
During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:
 - 1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
 - 2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
 - 3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
 - 4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - 5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - 6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - 7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.
 - 8. 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. Any

portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the State Regional Water Quality Control Board.

7.2 **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 PBES Department 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 project development, all work in the vicinity must be 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 **CONSTRUCTION NOISE**

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities only shall occur daily between the hours of 8:00 AM to 5:00 PM.

7.4 **CONSTRUCTION MITIGATION MEASURES**

a. **BIO-1:** If construction would commence anytime during the nesting/breeding season of the Swainson's hawk or Tricolored blackbird, other raptors, or other bird species listed in the Migratory Bird Treaty Act (typically February 1 through September 30), a preconstruction survey of the project vicinity for nesting birds shall be conducted. This survey shall be conducted by a qualified biologist (experienced with the nesting behavior of bird species of the region) within 14 days prior to the

commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey will be to determine if active nests are present within or adjacent to the construction zone within approximately 250 feet (300 feet for raptors). The survey shall also be conducted in accordance with the protocol of the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. The survey shall commence early in the Swainson's hawk nesting season (late March to early April) and surveys will be conducted within a minimum 0.25-mile radius of the Project area. The surveys shall be timed such that the last survey is concluded no more than two weeks prior to initiation of construction. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. If any active Swainson's hawk nests are found during the survey, CDFW recommends a disturbance buffer of at least a 0.25 mile to avoid a "take" or adverse impacts to Swainson's hawk. No trees or vegetation shall be removed from the project site during the breeding period. The size of the buffer zones and types of construction activities restricted within them should be determined through consultation with the CDFW depending on the species, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

The buffer zone around an active nest should be established in the field with orange construction fencing or another appropriate barrier and construction personnel should be instructed on the sensitivity of nest areas. The qualified biologist should serve as a construction monitor during those periods when construction activities would occur near active nest areas of special status bird species to ensure that no impacts on these nests occur.

Method of Mitigation Monitoring: The permittee shall have a nesting bird survey completed prior to any construction activities scheduled to occur on the site from February 1 through September 30. The survey shall also be conducted in accordance with the protocol of the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. The survey results shall be provided to the Napa County Planning,

Building and Environmental Services. In the event any special-status or other protected nesting birds are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting Swainson 's hawk which may include preservation of potential foraging habitat.

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

- a. Pre-construction meeting: No more than two weeks, or as otherwise specified by project mitigation measures. Prior to the commencement of any vegetation removal, earth-disturbing activities, or other development activities associated with this project, the owner/permittee shall schedule an on-site pre-construction meeting that shall include the project planner, owner or owner's agent, plan preparer, contractor(s), and any other parties deemed necessary by Planning Division staff, such as but is not limited to: County Planning and Conservation Division staff and the project biologist. The purpose of this meeting will be to review the development requirements of #P18-00117-UP including but not limited to: implementation and compliance with project specific conditions of approval and mitigation measures, inspection of stream setback staking/fencing, timing of development activities and pre-construction surveys, and the details of the approved plan. All required protective buffers, including buffer fencing/delineation, shall be installed prior to the pre-construction meeting for inspection by Planning Division staff. Development activities associated with #P18-00117-UP shall not commence until the owner/permittee has received written clearance from the Planning Division indicating that all pre-construction conditions have been satisfied.

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow specific limited use of the warehouse and office areas prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for general public occupancy of buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. In special circumstances, Departments and/or Agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence:

- 9.1 **FINAL OCCUPANCY**
All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.
- 9.2 **SIGNS**
Detailed plans, including elevations, materials, color, and lighting for any project identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if the signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. Any off-site signs allowed shall be in conformance with the County Code.
- 9.3 **GATE/ENTRY STRUCTURES**
Any gate installed at the project entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows large vehicles, such as motorhomes, 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 pursuant to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this permit approval.
- 9.4 **LANDSCAPING**
Landscaping shall be installed in accordance with the approved landscape plan.
- 9.5 **ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVED]**
- 9.6 **DEMOLITION ACTIVITIES [RESERVED]**
- 9.7 **GRADING SPOILS**
All spoils piles shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 **MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY [RESERVED]**
- 9.9 **OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY**
a. Prior to the issuance of building permits the applicant shall submit an application to merge the parcels comprising the project site (APN's 057-200-002 & 003). The parcel merger shall be completed prior to final occupancy.



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Sean Trippi, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: December 18, 2018	Re: Innova Napa Gateway Use Permit - Engineering CoA Gateway Road East, Napa, CA P18-00117 APNs 057-200-002 & 057-200-003

The Engineering Division received a referral for comment on a new use permit, generally requesting the following:

To construct a new warehouse/office building with associated parking on Gateway Road East. The two parcels will be combined.

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

1. The Existing Parcels are currently undeveloped and are 2.13 acres and 2.23 acres respectively.
2. The Existing Parcels are in the Airport Industrial Area.

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. All roadway, access drive, and parking area improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification.

PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.

3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and grading permit documents at the time of permit application. A plan check fee will apply.
4. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
5. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.
8. All improvements shall conform to the latest Napa County Airport Industrial Area Specific Plan.
9. Applicant shall pay the applicable Napa County Airport Industrial Area Traffic Mitigation Fees prior to receiving any building permits for this project. The applicant should contact the Public Works office to obtain information regarding the determination of this fee.
10. The Applicant 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.

PREREQUISITES DURING PROJECT CONSTRUCTION

11. Required on-site pre-construction meeting with the Napa County PBES Engineering Division **prior to start of construction.**

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

12. All roadway and parking improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit [P18-00117]. **** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

13. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
14. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Jeannette Doss from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707) 259-8179 or by email at Jeannette.Doss@countyofnapa.org



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Sean Trippi, Project Planner	From: Darell Choate, EHS <i>DC</i>
Date: 12/19/18	Re: Use Permit – Innova Napa Gateway Located at 115 Gateway Rd. East Assessor Parcel 057-200-002/003-000 Permit# P18-00117UP

Environmental Health Division staff has reviewed an application Innova Napa Gateway. This Division has no objection to approval of the application with the following conditions of approval:

During construction and/or prior to final occupancy being granted:

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

Upon final occupancy and thereafter:

1. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/>, and be approved by this Division within 30 days of said activities.
2. Any hazardous waste produced on site must be stored and disposed of in a manner consistent with Chapter 6.5, Division 20 of the California Health and Safety Code and with Title 22, Division 4.5 of the California Code of Regulations. Additionally, a Hazardous Waste Generator Permit must be obtained from this Division.
3. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy.



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

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

David Morrison
Director

To: Sean Trippi, Project Planner	From: Marie Taylor, Building Inspector
Date: April 19, 2018	Re: Use Permit – Innova Napa Gateway File # P18-00117 Address: 115 Gateway Road East Napa, Ca. 94558 APN: 057-200-002 & 057-200-003

Building Inspection Division; Planning Use Permit Review Comments

The plans provided for the Use Permit application P18-00117 do not provide enough information in sufficient detail to determine code requirements. A complete plan check will be performed at the time of application and plan submittal to the building division for required permits. The following are provided to prepare the applicant for some standard submittal requirements for the plan review of the building permit process.

Any existing structures and/or buildings on the property that will be demolished require a separate demolition permit issued by The Napa County Building Division prior to demolition. The applicant will be required to provide a J number form Bay Area Air Quality Management District at the time of application for the permit.

The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to, parking, accessible path of travel from parking to all buildings and areas on site that are available to employees and the public. Plans must also include all accessibility features for the interior work. An Accessible Upgrade Worksheet must be submitted with plans as a part of the permit process.

Occupant load will determine occupancy types, exiting requirements, and restroom facilities.

Any change in occupancy or use will require building to comply with the requirements of the California Building Code for a new occupancy or use.

Should you have any questions, please contact Marie Taylor at (707) 299-1359



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Department of Public Works

1195 Third Street, Suite 101
Napa, CA 94559-3092
www.countyofnapa.org/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Janice Spuller Interim Transportation Engineer
Date: October 17, 2018	Re: Innova Napa Gateway P18-00117-UP

Thank you for the opportunity to review the Use Permit Application for the above mentioned project. I have reviewed the Permit Application and Initial Study Request for Comments and offer the following comments from the Department of Public Works:

Traffic Mitigation Fees required. All new development, or improvements to existing development that will generate additional traffic, in the Napa Valley Business Park are required to pay a Traffic Mitigation Fee. The fees collected are used to fund the construction of new roads and intersection improvements in the area.

More information on these is available at our website:
<http://www.countyofnapa.org/publicworks/roads>

Encroachment Permit Process

An encroachment permit will be required for any improvements in the County's right-of-way. Please contact Patt Throne-Hetzer in the Public Works office at (707) 259-6719 for application submittal information; or Craig Chapin in the Roads office at (707) 944-0196 for technical questions/information.

The improvements shall be constructed in compliance with the Napa County Road & Street Standards. The Registered Civil Engineer, upon completion of the Improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. Completion of improvements and certification shall be completed prior to occupancy or establishment of use.

More information is available at our website:
<https://www.countyofnapa.org/2171/Encroachment-Permits>

Please contact me at Janice.Spuller@countyofnapa.org or call (707) 259-8279 if you have questions or need additional information.



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

TO: Planning Division	DATE: 5/2/2018
FROM: Chase Beckman Fire Department	
SUBJECT: Innova Napa Gateway P18-00117	APN: 057-200-002/003

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

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. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
4. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height).
5. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
6. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
7. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.



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Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

8. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.
9. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2016 edition.
10. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
11. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2013 edition for the installation of Underground Fire Protection Mains
12. Commercial - Developments in excess of 10,000 square feet require looped fire mains of a minimum of ten (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals.
13. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
14. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.
15. Emergency responder radio coverage **in** new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1462 or email at chase.beckman@fire.ca.gov



June 8, 2018

Andrew Kilpatrick
8605 Santa Monica Blvd. Suite 75763
Los Angeles, CA 90069

SUBJECT: Request for Water Service "Will-Serve" Letter
Innova Gateway
Napa Valley Gateway Unit 2, Phase 1, Lots 2 & 3
115 Gateway Road East, Napa, CA
(APN 057-200-002 & 003)

Dear Mr. Kilpatrick:

The City of American Canyon has received your request as the Property Owner for a Will-Serve letter for water service to the property located on Gateway Road (Assessor's Parcel Number: 057-200-002 & 003; referred to herein as the "Property"). The property is subject to approval of a pending Use Permit (P18-00117) from the Napa County Planning, Building & Environmental Services Department, to add an industrial warehouse with office space. The total building area is to be 71,246 square feet.

It is the City's understanding that the Property is located within its Extraterritorial Water Service Area¹ and that a Will-Serve Letter for water service to the Property is required prior to the County's approval of a Use Permit. In general, the City reviews the impacts of such requests for service taking into account the overall demand within the its system and known supplies available to meet this demand.

The City's understanding of the current request is based on water demand estimates attached to the Will-Serve Application dated April 13, 2018. At present, the 4.37 acre property does not have any existing structures. Recycled water service is available at the site.

As Table 1 shows, the requested annualized Average Daily Demand (ADD) is 627gal/day. Table 2 details the requested Maximum Daily Demand (MDD) of 940 gal/day for the Property.

¹ As defined by Napa County Local Agency Formation Commission Policy 07-27.

Table 1 – Requested Average Day Demand

<u>Average Daily Water Demand (ADD) in gallons per day:</u>	
Domestic:	627gpd
Irrigation:	0 ² gpd
Industrial:	0 gpd
<hr/>	
Total:	627gpd

Table 2 – Requested Maximum Day Demand

<u>Maximum Daily Water Demand (MDD) in gallons per day:</u>	
Domestic:	940 gpd
Irrigation:	0 ² gpd
Industrial:	0 gpd
<hr/>	
Total:	940 gpd

The City's Zero Water Footprint (ZWF) Policy requires new development to offset all of its water demands in order to prevent reduction in the reliability of existing water supplies or increases in water rates to existing customers. In light of the information submitted in the Application the City has determined that the Property will not have a Zero Water Footprint because once complete, the Property's proposed ADD (627gpd) will be greater than the established baseline ADD (0 gpd). Because the Owner is requesting service greater than the established baseline demand, the Property will potentially reduce the reliability of existing water supplies and increase costs to existing customers. In accordance with this Policy, because the Property has been determined to not have a Zero Water Footprint, a more detailed Water Supply Report has been prepared, and is attached hereto and made a part of this "Will-Serve" Letter. In order to comply with the ZWF Policy and offset the Property's demand, the applicant shall contribute to the City's ZWF Mitigation Fund whereby the City will continue to undertake water conservation efforts to offset the requested ADD increase of 627gpd. Such efforts will result in this Property achieving a net zero impact to the City's water system, therefore adhering to the ZWF Policy.

² The project site is located inside the Napa Sanitation District's (NSD) recycled water service area.

This Will-Serve Letter supersedes any other purported service commitments to the Property for any use. By way of this Will-Serve Letter, the City is offering to meet the water service demands shown Tables 1 & 2. The City's offer is contingent upon the occurrence and/or satisfaction of the following conditions and the continued existence of the following described conditions:

1. Owner shall be subject to all City's rules and regulations, including all fees and charges.
2. At no cost to the City, the Owner shall construct all facilities necessary to serve the Property in accordance with all City standards.
3. Prior to the City's commencement of improvement plan review, the Owner shall submit a deposit in an amount deemed sufficient by the City to fully recover the cost of its plan check and inspection services. Should this initial deposit be insufficient, the Owner agrees to make additional deposits as necessary for the City to complete its review and inspection. Any unused deposit funds will be returned to the Owner after the Notice of Completion is recorded.
4. The City has experienced potential reduction and/or curtailment of its primary sources of water supply during times of drought. When these reductions occur, the City's demands may exceed available supplies. In an effort to reduce this undesirable imbalance, the City is taking steps to reduce customer demands while also seeking to acquire additional supplies. The cost of these additional supplies is unknown at this time, and is not included in the current City water rates. The City is considering implementing potential changes to its rate structure which would be applied in a uniform manner in order to acquire such supplies. The Owner agrees to waive any protest to changes to current City water rates necessary to acquire additional water supplies during their formulation, implementation and review under the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA") as long as such changes are initiated during the term of this Will Serve Water Supply Agreement or any extension thereof. Moreover, the Owner acknowledges that the City, during dry years, may be unable to meet the Property's water service demands and that its water service may be uniformly reduced and/or curtailed entirely. Owner further agrees to indemnify, defend and hold harmless the City, its elected officials, officers, attorneys, employees or agents for any and all damages or claims of damages stemming from such uniform reductions or curtailments that may occur as long as they are directly related to the City's provision for water to the Property.

5. As a result of *Vineyard Area Citizens for Responsible Growth v. Rancho Cordova* (2007) 40 Cal.4th 412, the County, as lead agency pursuant to CEQA, prior to approval of the Project must, at a minimum during its environmental review:
 - a. Present sufficient facts to evaluate the pros and cons of supplying the water that the Project will need; and
 - b. Present 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.
6. The Owner agrees its financial obligation for water service is as follows:
 - a. Monthly water service charges will be billed at the current rate (Outside City Rate, currently \$5.41 per 100 cubic feet) in effect at the time of service and are subject to change. Additionally, a \$2.00/unit drought surcharge, and meter fee of \$47.89 will be included in monthly service charges. A new rate structure will be in effect beginning January 1, 2019.
 - b. The water capacity fee for the Property will be \$21,676.40³ based on a MDD of 940 gpd. Capacity fees will be adjusted based on fees in effect at the time of payment. Such funds are due and payable prior to issuance of building permits.
 - c. The ZWF Mitigation (offset) cost for the Property is \$5,787.69⁴ in order to achieve compliance with the ZWF Policy. Such mitigation funds are due and payable prior to execution of this Will Serve Letter.
7. The Property shall incorporate the following water conservation best management practices:
 - Ultra-low-flow toilets in restrooms
 - Waterless urinals (optional)
 - Motion sensor faucets

³ Calculation: 940 gpd x \$23.06 = \$21,676.40, based on rates effective March 17, 2018

⁴ Calculation: 627 gpd/65 gpd x \$600 = \$5,787.69

Letter to Andrew Kilpatrick
Innova Gateway
June 8, 2018
Page 5

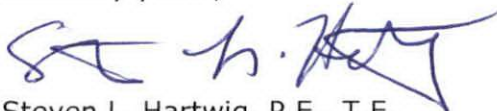
- On demand (Instahot) hot water heaters for individual restrooms or the plumbing of hot water return lines with an integral pump if using a centralized tank or tankless unit
 - Recycled water for landscape irrigation
 - Education of employees regarding water conservation (offered in both English and Spanish)
8. As part of the Napa Airport Business Park Specific Plan, all development shall connect to public sewer provided that sewer is available within a reasonable distance. Napa Sanitation sewer mains exist in Gateway Road East, therefore property Owner agrees that "Hold and Haul" will not be allowed on property.
9. The City reserves the right to audit the site's water demand as deemed necessary in order to verify that the Owner's water use is in accordance with this Will-Serve letter.
10. Future changes to the Project with respect to the change in use or water demands shall require that a new Will-Serve Letter be issued.

This Will-Serve Letter will remain valid until June 8, 2020. The City reserves the right to further condition and/or deny the extension of water service if the Project is different from that which presently proposed and authorized 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 Owner 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 intensity of use of the development Property or that the County has complied with applicable law in assessing the proposed project under CEQA.

This Will Serve letter becomes effective only upon the express acknowledgement and acceptance of the conditions set forth herein as demonstrated by the execution of the acceptance provision set forth below and the transmittal of the executed acceptance to the City.

Sincerely yours,



Steven L. Hartwig, P.E., T.E.
Public Works Director/City Engineer

cc: Jason Holley, City Manager

**Letter to Andrew Kilpatrick
Innova Gateway
June 8, 2018
Page 6**

William Ross, City Attorney
Sean Trippi, Napa County Planning Department
Susan Presto, Finance Manager
Utility Billing

**ACCEPTANCE
of
City's Conditional Offer of Water Service for
Innova Gateway**

**115 Gateway Road East, Napa, CA
Napa Valley Gateway Unit 2, Phase 1, Lots 2 & 3**

Napa County Assessor's Parcel Number 057-200-002 & 003

I, Andrew Kilpatrick, accept the conditions
set forth in this communication.

By: Andrew Kirkpatrick
Legal Owner

Andrew Kilpatrick, Manager of INNOVA Fund III, LLC

(Print Name and Title)


(Signature)

Date: October 8, 2018

CITY OF
AMERICAN
CANYON



PUBLIC WORKS DEPARTMENT

4381 BROADWAY, SUITE 201
AMERICAN CANYON, CA 94503

WATER SUPPLY REPORT

FOR

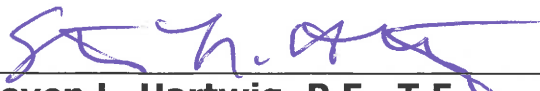
Innova Gateway

115 Gateway Road East, Napa, CA 94558
Napa Valley Gateway Unit 2, Phase 1, Lots 2 & 3
Napa County Assessor's Parcel Number
057-200-002 & 003

Prepared by:

Nancy McWilliams
Development Services

Approved by:


Steven L. Hartwig, P.E., T.E.
Interim Public Works Director

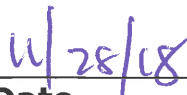

Date

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PREFACE

This Water Supply Report (WSR) is prepared in response to a request received by the City of American Canyon for a new water service(s) and/or an expansion of existing water service(s). The intent of the WSR is to help inform the discretionary approval process undertaken in conjunction with the request. Chief among its purpose is to:

- Determine if the request is consistent with City ordinances, policies, and practices;
- Determine whether the City's water supply is sufficient to grant the request when compared to existing and other planned future uses, including agricultural and manufacturing uses; and
- To establish a water allocation for the property.

On October 23, 2007, the American Canyon City Council adopted the following definition as the basis for its Zero Water Footprint (ZWF) Policy:

Zero Water Footprint – No loss of water service reliability or increase in water rates to the City of American Canyon's existing water service customers due to requested increase demand for water within the City's water service area.

The overarching intent of the ZWF Policy is to require all new development (residential or non-residential), or the expansion of existing commercial and industrial development, to mitigate all new water demands with "wet-water" offsets by one or more of the following options:

- Reducing existing potable water demands on-site
- Funding programs or constructing projects that would conserve an equivalent amount of water elsewhere within the water service area
- Funding of and/or constructing projects that would increase an equivalent amount of recycled water use elsewhere within the water service area where potable water is currently used.
- Purchase new water supplies from other water providers

SECTION 1.0 - REQUEST FOR SERVICE

1.1 - Property Description

The property is located at 115 Gateway Road East (Assessor's Parcel Number: 057-200-002 & 003) on approximately 4.37 acres referred to herein as the "Property." The Property is zoned Industrial Park (IP) with Airport Compatibility (AC) and is located within the City's Extraterritorial Water Service Area (ETSA) and the Airport Industrial Area¹.

1.2 - Project Description

The proposed project is to build a 71,246 square foot warehouse of which approximately 10% will be office space. Entitlements required include a Use Permit from Napa County (P18-00117) and Will-Serve Letters from the City (for potable water service – domestic and fire service) and Napa Sanitation District for sewer and recycled water².

The project incorporates the following water conservation best management practices:

- Ultra low-flow toilets in restrooms
- Waterless urinals (optional)
- Motion sensor faucets
- On demand (Instahot) hot water heaters for individual restrooms or the plumbing of hot water return lines with an integral pump if using a centralized tank or tankless unit
- Recycled water for landscape irrigation
- Education of employees regarding water conservation (offered in both English and Spanish)

1.3 - Status of Existing Services

The property is currently undeveloped. The City previously issued a Will-Serve Letter for Assessor's Parcel Number (APN) 057-200-003, but the project was not constructed, and no water service has been provided to this parcel. The previous Will-Serve Letter expired July 10, 2016. No prior Will-Serve Letter was issued for APN 057-200-002.

¹ As defined by Napa County Local Agency Formation Commission Policy 07-27.

² The project site is also located within the Napa Sanitation District's (NSD) recycled water service area. Recycled water is available to the site, and all irrigation demands will be served with recycled water.

1.4 - Will Serve Application

A Will-Serve Application dated April 13, 2018, was submitted on behalf of Owner, Andrew Kilpatrick. The application submitted details the anticipated and existing water demands for the Site. Staff has reviewed the provided application and finds the estimate to be consistent with industry standards for similar uses.

1.5 - Average Day Demand (ADD)

The anticipated water demand for the Property is 627 gallons per day (gpd), as shown on Table 1.

Table 1 - Property ADD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
627	0	0	627

1.6 - Maximum Day Demand (MDD)

As shown in Table 2, the anticipated Maximum Demand (MDD) for the Property is 940 gpd.

Table 2 - Property MDD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
940	0	0	940

SECTION 2.0 - PROJECT WATER FOOTPRINT

2.1 - Project Demand Consistency with UWMP and ACMC 13.10

The City's 2010 Urban Water Management Plan (UWMP) assumes industrially zoned property will have up to a maximum ADD of 675 gpd per acre. American Canyon Municipal Code Section 13.10 further limits industrially zoned property within City limits and the broader City ETSA up to a maximum ADD of 650 gpd per acre. As shown in Table 3 below, the

Property's estimated ADD (143 gpd per acre) is less than the maximum allowed by the ACMC 13.10 (650 gpd per acre):

Table 3 - Maximum ADD			
Parcel Size (acres)	UWMP (gpd/acre)	ACMC 13.10 (gpd/acre)	Property ADD (gpd/acre)
4.37	675	650	143

2.2 - Baseline Water Footprint

The Property's Baseline Water Footprint is determined as one of the following: a) the approved demand amount specific in a current, (unexpired) Will-Serve Letter, Water Supply Report and/or Water Service Agreement; b) the water demand calculated from an audit of three-years of water use; or c) absent other information, the water demand in 2007. As shown in Table 4 below, the Property's baseline water footprint is 0 gpd.

Table 4 - Baseline Water Footprint			
Approved Demand (gpd)	Audited Demand (gpd)	Historical Demand (gpd)	Baseline Water Footprint
N/A	N/A	0	0

2.3 - Zero Water Footprint Determination

Because the Property ADD (627 gpd) exceeds the Property's Baseline Water Footprint, the Property does not have a Zero Water Footprint (ZWF). Because the Property does not have a ZWF, the new demand(s) on the City's water system could potentially result in a loss in water service reliability or increase in water rates to the City's existing customers.

2.4 - Demand Offset

The City has established various programs intended to offset new demand(s) on its water system. The Property has agreed to participate in one such program whereby old plumbing fixtures in existing residences (such as toilets, showers and faucets) are replaced with high-efficiency fixtures. On average the cost to replace the fixtures in a single family dwelling unit is \$600 and results in an on-going savings of 65 gpd. By facilitating the replacement of these fixtures city-wide, the Property's new demand is offset

by water which is saved elsewhere. The Property has agreed to contribute \$5,787.69³ to the City's Zero Water Footprint Mitigation Fund. Monies in the Fund are used to pay for replacement of plumbing fixtures. The amount paid will result in equivalent savings of 627 gpd, thereby offsetting the Property's new ADD.

2.5 - Project Impact on Reliability & Rates

The City's water treatment, delivery and storage system is reliable to serve demands of existing development that existed at the time of ZWF Policy implementation in 2007. New or increased demands to the City's system after the implementation of the ZWF Policy are determined to potentially have a negative impact on the City's water system reliability which could result in an increase in water rates of existing customers. By facilitating the replacement of inefficient plumbing fixtures through the monetary contribution to the City's ZWF Mitigation Fund, the Property has offset its new demand and thus, it is reasonable to conclude that it will have no impact on reliability or rates.

2.6 - Short term mitigations

The water impacts of the Property will be fully mitigated by the financial contribution it will make to the water capacity fee program in addition to the ZWF Mitigation fee to mitigate 100% of the Property's new water demand.

2.7 - Long term mitigations

The City's Water Shortage Emergency Plan authorizes the City Council to declare a water shortage emergency⁴. Emergencies are declared in four stages with specific reduction methods used for each stage. In the event the City experiences short term water shortages and determines it is necessary to purchase dry year water the Owner shall provide funds to the City of American Canyon to purchase dry-year water. Upon demand of the Public Works Director, when a water shortage has been declared by the City Council, the project may have to contribute a reasonably determined and reasonably allocated non-refundable payment to the water operations fund to allow the City to acquire dry-year water, if reasonably necessary. The projects contribution shall be equal to the properties reasonably allocated annual demand (AFY) times the City's reasonable cost of a one-year transfer. The annual demand will be implemented uniformly to all City water uses, determined by a City water audit of all City water uses for the previous water

³ Calculation: 626.85 gpd/65 gpd x \$600 = \$5,787.69

⁴ ACMC §13.14.070

year and the analysis in reasonable detail made available to the Owner for reasonable review and comment prior to implementation. The contribution shall be recalculated and made on an annual basis, as reasonably necessary.

SECTION 3.0 – CAPACITY FEES AND SERVICE CHARGES

3.1 - Capacity Fee

Based on the American Canyon Water Capacity Fee Ordinance⁵, the Project shall pay a Water Capacity Fee is \$21,676.40. This amount one-time fee is based on the rate of \$23.06 per gallon x MDD (940 gpd). Capacity fees will be adjusted based on fees in effect at the time of payment. Such funds are due and payable prior to issuance of building permits.

3.2 – Service Charge

The Property is located outside the City’s corporate boundary but within the City’s Extraterritorial Water Service Area as defined by LAFCO. Based on the American Canyon Water Capacity Fee Ordinance⁶, the Property shall accrue a monthly service charge in the amount of \$5.42/100 cubic feet, plus any drought surcharges and monthly meter fees. Based on the ADD, drought surcharge of \$2.00/unit, and meter fee of \$47.89 per month, the estimated water service charge is approximately \$255 per month. A new rate structure will be in effect beginning January 1, 2019. Monthly water service charges will be billed at the rates in effect at the time of service.

3.3 - Reimbursable Improvements

The Property proposes no improvement that would be eligible for reimbursement.

SECTION 4.0 - VINEYARDS ANALYSIS

4.1 – Vineyards Decision

The California Supreme Court decision “*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova and Sunrise Douglas Property Owners Association, et al.*” sets forth guidelines for evaluating the water supply of a project under the California Environmental Quality Act (CEQA). It requires that water supplies not be illusory or intangible, that water supply over the entire length of the project be evaluated, and that environmental

⁵ ACMC §13.06.090

⁶ ACMC §13.06.040

impacts of likely future water sources, as well as alternate sources, be summarized.

4.2 - Facts With Respect to Existing Water Supply and Demand

The City's 2015 Urban Water Management Plan (UWMP) analyzed existing demands and anticipated future demand growth. The 2015 UWMP also quantified the amounts and reliability of its water supplies in various planning horizon scenarios.

The City has entered into enforceable long-term contracts for its supply of potable water. The suppliers are the State Department of Water Resources (DWR) and City of Vallejo. The DWR supplies are provided by the State Water Project (SWP) and they vary each year up to a maximum of 5,200 acre-feet. The Vallejo supplies are 500 acre-feet of raw water as needed and up to 2,640 acre-feet of treated water may be purchased as a retail customer.

City customers consumed 2,976 acre-feet of SWP water in 2015. The 2015 UMWP determined adequate supplies exist for all planning horizons and supply scenarios, except for the "2030 single-dry scenario".

New water demand from the Project and reduced per capita consumption (facilitated by the City's Water Conservation Program) was anticipated as part of the assumed future demand growth in all planning horizons and supply scenarios in the 2015 UWMP. If the total ADD or MDD exceed the totals shown in this report, the applicant will be subject to penalties in-place at the time and has agreed to take the necessary measures to reduce demand to comply with this report.

4.3 – Anticipated Water Supplies over the Life of the Project

The City has developed a capacity fee capital program and water conservation program which, when implemented, will reasonably ensure an adequate supply of potable water and recycled water to meet demands under normal years, multiple-dry-years, and single-dry-years.

By fully complying with the City's ZWF Policy, the project will offset its new demand by paying an in-lieu fee that will be used by the City to implement its water conservation efforts to reduce potable water demands throughout its Water Service Area. Given the City's efforts to expand its water portfolio in terms of supply, storage, and conservation, and the fact that this project will not result in an increased demand on the existing system, it is reasonable to project there is sufficient water supply over the life of the project.

4.4 – Environmental Impacts of Likely Future Water Sources

According to the 2015 UWMP, adequate long-term supplies exist for all planning horizons and supply scenarios, except for the “2030 single-dry scenario”. The Project will offset its new demand by paying an ZWF Mitigation fee that will be used by the City to further its water conservation efforts to reduce potable water demands throughout its Water Service Area. These efforts will have no significant impacts to the physical environment.

Moreover, it is unlikely that additional long-term supplies will need to be developed to meet the new demands attributable to the Project and it would be unnecessarily speculative to analyze the potential impact of such an unlikely activity.

Lastly, the City Council adopted a Mitigated Negative Declaration in November 2003 in conjunction with the adoption of the Recycled Water Facilities Plan. That plan identifies a series of projects which in conjunction with the water conservation program will reduce potable water demands throughout its Water Service Area. Impacts caused by implementation Recycled Water Facilities Plan are less than significant because the new recycled water distribution pipelines were to be located in existing paved public rights of way.


ACKNOWLEDGEMENT OF WATER SUPPLY ANALYSIS

Innova Gateway

**115 Gateway Road East, Napa CA 94558
Napa Valley Gateway Unit 2, Phase 1, Lots 2 & 3
Napa County Assessor's Parcel Number 057-200-002 & -003**

I, Andrew Kilpatrick, President of INNOVA Equity, Inc., Manager of INNOVA Fund III, LLC
(Print Name) (Print Title)

acknowledge and accept the water supply analysis as set forth in this Water Supply Report dated November 28, 2018.



(Signature)

Date: November 26, 2018



Dedicated to Preserving the Napa River for Generations to Come

March 15, 2018

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

SUBJECT: APN 057-200-002 and APN 057-200-003 – Gateway Road East Warehouse
Building Will Serve
NSD Will Serve #00032

To Whom It May Concern:

The Napa Sanitation District has received a request to provide a "Will Serve" letter for a proposed 71,060 SF warehouse facility to be located on the subject parcels. The subject parcels are currently within the District's Sphere of Influence and within the District's boundaries. The District will provide sanitary sewer and recycled water service to this parcel.

The following items will be required by the owner/developer:

1. Install the sanitary sewer and recycled water improvements as specified in the District's Conditions of Approval for the project.
2. Pay the appropriate capacity and inspection fees. The facility shall be subject to all applicable rules and regulations of the District.
3. Enter into an Industrial Waste Discharge Permit prior to discharge of industrial wastewater to the sanitary sewer system.

The District has been informed that the proposed warehouse facility will generate approximately 784 gallons of domestic wastewater per day which is equivalent to the flow of approximately 4 single-family dwellings.

This parcel 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. The project has requested service for proposed landscaping with a total recycled water demand of approximately 1.54 acre-feet per year. The District will provide recycled water service to this parcel.



COLLECTION • TREATMENT • RECOVERY • REUSE

April 23, 2018

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

SUBJECT: P18-00117 INNOVA NAPA GATEWAY, REFRL-000851, TODD BETHKE, (Trippi)

The Napa Sanitation District has reviewed the above-named application. The following are the conditions of approval for the project.

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 District has identified the following comments based on the current application. The District reserves the right to modify the following conditions/comments based on changes to future applications or changes to the project site plan. The proposed project shall be subject to the following conditions of approval:

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

1. A plan showing the required sanitary sewer improvements shall be prepared by a registered civil engineer conforming to NapaSan standards, and shall be submitted to NapaSan for approval.
2. The subject parcel shall use recycled water for their landscape irrigation.
3. The owner is required to install the 4-inch recycled water line and associated appurtenances along Gateway Road East. The private recycled water line shall be installed outside of the public right-of-way.
4. The owner shall have the existing sanitary sewer lateral going to Gateway Road East exposed at the property line to allow NapaSan to perform a video inspection of the line. If the lateral passes video inspection as determined by NapaSan, then the lateral may be reused. If it fails inspection, the owner will be required to hire a Class A licensed contractor to install a new lateral at the owner's expense.
5. Any existing sanitary sewer lateral stubs located along the frontage of the subject property which are not proposed to be used shall be permanently abandoned by cutting and capping at the main.
6. No floor drains are allowed in the building except in the restroom and food service areas.

7. If the owner desires to discharge the process wastewater to the District in the future, the owner would be required to pay capacity charges to NapaSan based on the rates in effect at the time and would be subject to the rules and regulations in effect at that time. At a minimum the facility would be subject to the following:
 - a. Installation of a flow meter and sampler on the process waste line
 - b. Ensure that the discharge conforms with the District's Local Limits
 - c. Provide NapaSan with a wastewater treatment plan
 - d. Obtain an Industrial Waste Discharge Permit from NapaSan for the winery operation. Permit conditions would be established by NapaSan at the time an application is made by the owner.

8. If a future tenant produces winery waste, and desires to utilize a hold and haul system to dispose of the waste, the owner shall obtain a zero waste discharge permit from NapaSan. Under this permit no winery waste shall be discharged to the sanitary sewer system.

9. 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
 - b. Inspection Fees
 - c. Capacity Charges (based on use and square footage for commercial. Outdoor dining and event space is included in the square footage)
 - d. Capacity Charges (for the process waste stream shall be calculated per Section 5.02.030.D of District Code. The owner shall contact the NapaSan for additional information).

10. NapaSan has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at NapaSan's website (www.NapaSan.com). NapaSan may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.

The capacity charge for an equivalent dwelling unit currently is \$9,299 and will increase by the Consumer Price Index (CPI) in July to \$9,624. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff for additional information regarding capacity charges.

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

Sincerely,

Karl Ono, P.E.
Associate Engineer