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

**PLANNING COMMISSION HEARING – JULY 15, 2020
RECOMMENDED CONDITIONS OF APPROVAL**

**Nova Business Park South Use Permit Tentative Parcel Map
Application Number P19-00022
Devlin Road, Napa, California
APN #057-020-025**

This Permit encompasses and shall be limited to the project commonly known as Nova Business Park South, located at APN 057-020-025. 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 Tentative Parcel Map to subdivide one existing 20.23 acre parcel to create 11 (eleven) new parcels ranging in size from 0.91 to 2.81 acres. The project includes street and infrastructure improvements including two (2) new cul-de-sac roadways accessed from Devlin Road.

The Tentative Parcel Map 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.

The Final Parcel Map shall be in substantial compliance with the tentative parcel map consisting of an eleven parcel subdivision on a 20.23 acre parcel.

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 [RESERVED]

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 [RESERVED]

4.6 BUILDING DIVISION – USE OR OCCUPANCY CHANGES [RESERVED]

- 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 January 6, 2020.
- b. Department of Public Works operational conditions as stated in their Memorandum dated March 19, 2019.
- c. Fire Department operational conditions as stated in their Inter-Office Memo dated November 27, 2019.

- d. City of American Canyon operational conditions as stated in their “will serve” letter dated June 23, 2020.
- e. Napa Sanitation District operational conditions as stated in their “will serve” letter dated February 20, 2019.

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 dated January 6, 2020.

- b. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandum dated March 19, 2019.
- c. Fire Department plan review/construction/preoccupancy conditions as stated in their Inter-Office Memo dated November 27, 2019.
- d. City of American Canyon plan review/construction/preoccupancy conditions as stated in their “will serve” letter dated June 23, 2020.
- e. Napa Sanitation District plan review/construction/preoccupancy conditions as stated in their letter dated February 20, 2019.

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 [RESERVED]

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 [RESERVED]

6.8 TRASH ENCLOSURES **[RESERVED]**

6.9 BICYCLE PARKING **[RESERVED]**

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

The permittee shall comply with the following permit prerequisite mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. **MM BIO-1:** Prior to County approval of any specific development, special-status plant surveys shall be conducted by a qualified biologist in appropriate habitats during the periods in which species are most identifiable. These surveys shall be in compliance with all CDFW (2009), USFWS (1996), and CNPS (2001) published survey guidelines.

If special-status plant species are found, populations will be mapped and enumerated. If any populations are found within the proposed development area, project development plans shall consider avoidance to the extent practicable. If avoidance is not practicable while otherwise obtaining the project's objectives, then other suitable measures and mitigation shall be implemented as detailed below.

The following measures shall be implemented if special-status plants are found on the project site:

- A. Initially the practicability of avoidance shall be evaluated as noted above.
- B. If avoidance is not practicable, a mitigation plan shall be developed and approved by the County of Napa for implementation of steps 1 through 3 below prior to site disturbance.

The mitigation plan shall include the following elements:

1. Prior to construction within the project area, a qualified botanist shall collect the seeds, propagules, and top soils, or other parts of the plant that would ensure successful replanting of the population elsewhere. The seeds, propagules, or other plantable portion of all plants shall be collected at the appropriate time of the year.
2. At least 2/3 of the seeds, propagules, or other plantable portions of all plants shall be planted at the appropriate time of year (late-fall months). Half of the seeds and top soils collected shall be appropriately stored and propagated at a native plant nursery to ensure germination. This material will be planted at an approved and protected area during the appropriate season. Planting location, timing, collection methods, etc. shall be detailed in the mitigation plan required by Measure B above.
3. The applicant shall hire a qualified biologist to conduct annual monitoring surveys of the transplanted plant population for a five-year period and shall prepare annual monitoring reports reporting the success or failure of the transplanting efforts. These reports shall be submitted to the County of Napa no later than December 1st each monitoring year.
4. These steps shall be implemented prior to site disturbance.

A California Natural Diversity Database (CNDDDB) form shall be filled out and submitted to the California Department of Fish and Wildlife (CDFW) for any special-status plant species identified within the project site.

In lieu of the above prescribed mitigation, as allowed in writing by the County of Napa, mitigation requirements may be satisfied via the purchase of qualified mitigation credits of the preservation of offsite habitat.

Method of Monitoring: The applicant shall hire a qualified biologist to conduct pre-construction surveys to be submitted to Planning Division staff. If special-status species are found, a mitigation plan shall be submitted and approved by the County. The applicant shall hire a qualified biologist to conduct annual monitoring surveys of the transplanted plant population for a five-year period and shall prepare annual monitoring reports reporting the success or failure of the transplanting efforts. These reports shall be submitted to the County no later than December 1st of each monitoring year.

Responsible Agencies: PBES and CDFW

- b. **MM BIO-2:** The project will restore native grasslands at a 1:1 ratio including California oatgrass grassland at a 0.75:1 ratio on the project site. The grassland restoration shall be completed within the restored

wetland buffers and/or within the preserved creek setback buffers on the property and contained within a 3.3 acre open space area to be permanently protected and managed for habitat functions and values.

Method of Monitoring: Prior to issuance of a grading permit, a mitigation plan describing the constructed native grassland locations, construction methods, and monitoring and success criteria will be submitted to the permitting agencies for review and approval.

Responsible Agency: PBES

- c. **MM BIO-3:** If construction would commence anytime during the nesting/breeding season of the Swainson's hawk, northern harrier, burrowing owl, or other raptors, or other bird species listed in the Migratory Bird Treaty Act (typically February through September 15), a pre-construction 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 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 should be to determine if active nests are present within or adjacent to the construction zone within approximately 250 feet. The surveys should be timed such that the last survey is concluded no more than two weeks prior to initiation of construction activities. 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 nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them shall 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;
- Sensitivity of individual nesting species and behaviors of the nesting birds.

Method of Monitoring: A nesting bird survey shall be completed by a qualified biologist and submitted to the Planning Division within 14 days of the commencement of construction activities. If nests are found, a no disturbance buffer zone shall be determined through consultation with CDFW, and established in the field with orange construction fencing or other appropriate barrier, until a qualified biologist determines that all

young have fledged. The qualified biologist shall serve as 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. Construction personnel shall be instructed on the sensitivity of nest areas.

Responsible Agencies: PBES and CDFW

- d. **MM BIO-4:** The project shall permanently preserve 1.011 acre of tributary and 0.016 acre of seasonal wetlands. As well, the project will construct an additional 0.35 acres of seasonal wetland, just over a 1:1 created to fill ratio, on the project site directly adjacent to the tributary wetlands. These areas will be buffered by native grasslands and riparian enhancement of the uplands adjacent to the preserved tributary. The preserved tributary, preserved and created wetlands, and buffers will be contained within a 3.3 acre open space area to be permanently protected and managed for habitat functions and values.

Method of Monitoring: Prior grading permit issuance, a mitigation plan describing the constructed wetland locations, construction methods, and monitoring and success criteria shall be submitted to the permitting agencies for review and approval.

Responsible Agency: PBES

6.16 PARCEL CHANGE REQUIREMENTS [**RESERVED**]

6.17 FINAL MAPS

a. COUNTY SURVEYOR

The sub-divider shall submit a Final Parcel Map to the Department of Public Works for review and approval by the County Surveyor. The sub-divider shall pay the map checking fee as established by resolution of the Napa County Board of Supervisors in effect at the time of submittal of the Final Parcel Map.

b. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS)

Prior to recording the Final Map, the sub-divider shall submit the final CC&Rs to the PBES Director and County Counsel for review and approval. The CC&Rs shall indicate all improvements and features to be maintained by the owners association, and the method of maintenance and financing of those commonly owned site and building improvements and features.

6.18 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS [**RESERVED**]

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/perfaq_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 [RESERVED]**

7.5 **OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL [RESERVED]**

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]

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

The permittee shall construct new driveways, a left-turn lane and street frontage improvements. The design of the new driveways, a left-turn lane and street frontage improvements shall be submitted to the Public Works Department for review and approval. The new driveways, a left-turn lane and street frontage improvements shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of the County Code and Napa County Road and Street Standards.

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 **[RESERVED]**



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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David Morrison
Director

MEMORANDUM

To: Joan Gargiulo, Planning	From: Daniel Basore, Engineering
Date: January 6, 2020	Re: P19-00022 Nova Business Park Tentative Map APN: 057-020-025-000

The Engineering Division has reviewed the use permit application P19-00022 for the Nova Business Park Tentative Map located on assessor's parcel number 057-020-025-000. In general the project proposes the following:

Creation of 11 new parcels from a single 20.23 acres parcel. Two courts will provide access to the parcels.

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 Parcel is in the Airport Industrial Area

RECOMMENDED APPROVAL CONDITIONS:

PREREQUISITES FOR ISSUANCE OF PERMITS

1. 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 development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
2. 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/or grading permit documents at the time of permit application. A plan check fee will apply.

3. 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.
4. **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.
5. **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.
6. **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.
7. All improvements shall conform to the latest Napa County Airport Industrial Area Specific Plan.
8. 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.
9. 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

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

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

11. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification. **** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

12. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
13. 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 Daniel Basore from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)259-8328 or by email at Daniel.Basore@countyofnapa.org



A Tradition of Stewardship
A Commitment to Service

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: Ahsan Kazmi, P.E. Senior Traffic Engineer
Date: March 20, 2019	Re: Nova Business Park (P19-00022) Conditions of Approval

This application will allow creation of 11 new parcels from a single 20.23+/- acre parcel to create a campus-style business park. Project includes two proposed cul-de-sacs to provide access to the parcels.

EXISTING CONDITIONS:

1. Napa County Parcels 057-020-025 located on the west side of Devlin Road.
2. In the immediate vicinity of the site Devlin Road carries one travel lane and one bike lane in each northbound and southbound directions.
3. Immediately north of the site Devlin Road carries one travel lane and one bike lane in each direction and a center dual turn lane.
4. Site is located within the boundaries of the Business Park Area Specific Plan south of Soscol Ferry Road and Devlin Road intersection.
5. Site is currently undeveloped and exists as natural grasslands.

RECOMMENDED CONDITIONS: Public Works recommends approval based on the following conditions:

New Driveway: All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards.

Roadway sight triangles based on AASHTO standards roadway sight triangles need to be shown at each driveway, alley, and intersection. Show the sight triangles in the Site Plan and on the Landscaping Plan. For this triangle, place one leg of the triangle in the center of the exit lane of the driveway or intersecting street 18' back of the edge of the travelled way and the other leg's length should be per AASHTO guidelines for departure triangles and located in the center of the approaching lane. No items that are wider than 18" may be taller than 30" within this triangle except for street trees and traffic control devices and equipment.

Left-Turn Lane required. The project as proposed meets the warrants for installation of left-turn lanes on Devlin Road at the project access cul-de-sacs. Further, per the Circulation Element of the Napa County General Plan and the Napa Valley Business Park Specific Plan, a continuous dual left-turn lane will be installed starting just north of the project and continue southward to Sheehy Court and/or as long as it is needed to achieve proper alignment to meet the current standards. Improvement plans shall be prepared by a Registered Civil Engineer in accordance with the Napa County Road & Street Standards, for approval by the Department of Public Works, Road Commissioner. Additional right-of-way shall be

dedicated to the public, as necessary, to encompass the improvements. Improvement plans and right-of-way dedication, if needed, shall be completed prior to issuance of any permits or prior to final map recordation, whichever occurs first.

Street frontage improvements required. The project shall construct improvements along Devlin Road fronting the property, consistent with the Napa Valley Business Park Specific Plan (NVBPSP) design standards for collector roads, including a minimum of 4' wide northbound bike lane, 12' wide northbound through travel lane, 12' wide dual left-turn lane, 12' wide southbound through travel lane, 4' wide southbound bike lane and a minimum of 10' wide sidewalk (including planter area) as full length of the frontage. Improvement plans shall be prepared by a Registered Civil Engineer, in compliance with the NVBPSP, CBP, and the Napa County Road & Street Standards, for approval by the Department of Public Works, Road Commissioner. Additional right-of-way shall be dedicated to the public as necessary to encompass the improvements. Improvement plans and right-of-way dedication, if needed, shall be completed prior to issuance of any permits or prior to final map recordation, whichever occurs first.

Encroachment Permit required. All new connections to a public right-of-way shall require an encroachment Permit. An encroachment permit, with the associated \$2,500 deposit, will be required during the building permit phase. A complete plan set must be submitted with all street frontage improvements required by the use permit, as well as utility work in the road and right-of-way. Proposed landscaping must also be shown (trees in the right-of-way will not be approved. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process.

Traffic Mitigation Fees required. All new development, or expansion of existing development that will generate additional traffic, in the Napa Valley Business Park is 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. Information on Encroachment Permits and Traffic Mitigation Fees is available at our website:

<http://www.countyofnapa.org/publicworks/roads/>

Other improvements required. Other improvements such as curbs and gutters, ADA ramps, utility call outs, traffic control devices such as signing and striping will be provided 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.

Complete completion of improvements shall be completed prior to grading and occupancy permits to be issued.

Please contact me at ahsan.kazmi@countyofnapa.org or call (707) 259-8370 if you have questions or need additional information.



A Tradition of Stewardship
A Commitment to Service

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

Office: (707) 299-1466

Adam Mone
Fire Plans Examiner

MEMORANDUM

TO: Planning	DATE: 11/27/19
FROM: Adam Mone, Plans Examiner	
SUBJECT: P19-00022, Nova Business Park	APN: 057-020-025-000

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, including the California Fire Code and the Napa County Road and Street Standards at time of the Building Permit application.
2. Each building shall be reviewed independently at the time of Building permit application. Construction may or may not be feasible as shown on the drawings provided with this application.

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 Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1466 or email at adam.mone@countyofnapa.org



June 26, 2020

Ron Fedrick
Ron Fedrick & K 2011 Trust
P.O. Box 4050
Napa, CA 94559
Tel: (707) 265-1100

SUBJECT: Request for Water Service "Will-Serve" Letter
Nova Business Park South
Devlin Road, Napa, CA 94558
(APN 057-020-025)

Dear Mr. Fedrick:

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 Devlin Road (Assessor's Parcel Numbers: 057-020-025; referred to herein as the "Property"). The Property is subject to approval of a pending Tentative Subdivision Map Permit, P19-00033, from the Napa County Planning, Building & Environmental Services Department, to subdivide an existing 20.23 +/- acre parcel into eleven parcels, ranging from 0.91 acres to 2.81 acres, to create a campus-style business park. The project includes two proposed cul-de-sacs to provide access to the parcels.

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 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 January 25, 2019. At present, the 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 8,583 gal/day. Table 2 details the requested Maximum Daily Demand (MDD) of 12,874 gal/day for the Property.

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

Table 1 – Requested Average Day Demand

Average Daily Water Demand (ADD) in gallons per day:

Domestic:	3,813 gpd
Irrigation:	0 ² gpd
Industrial:	4,770 gpd
Total:	8,583 gpd

Table 2 – Requested Maximum Day Demand

Maximum Daily Water Demand (MDD) in gallons per day:

Domestic:	5,719 gpd
Irrigation:	0 ² gpd
Industrial:	7,155 gpd
Total:	12,874 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 (8,583 gpd) 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 8,583 gpd. Such efforts will result in this Property achieving a net zero impact to the City's water system, therefore adhering to the ZWF Policy.

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

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

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. As part of the application process, the owner/developer shall submit a Developer Deposit Project Setup Form and pay the required deposit of \$2,000. The deposit will be retained and the owner will receive a monthly statement of charges for the cost of processing the application, including writing water will serve and water supply report, plan review and inspections. At the close of the project, the last statement will be deducted from the deposit and remainder will be refunded to the owner.
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 (commercial rate of \$6.59 per unit, 1 unit = 748 gal). At present the estimated average monthly water service fee will be approximately \$2,268.53³, plus meter fees and any surcharges. Service charges will be billed at the rates in effect at the time of service and are subject to change.
 - b. The water capacity fee for the Property will be \$318,760.24⁴ based on MDD of 12,874 gal. Capacity fee will be adjusted based on fees in effect at the time of payment.
 - c. The ZWF Mitigation (offset) cost for the Property is \$79,227.69⁵ in order to achieve compliance with the ZWF Policy.
 - d. Capacity fee and mitigation funds are due and payable prior to issuance of a building permit.
7. The Property shall incorporate the following water conservation best management practices:
 - Ultra-low-flow toilets in restrooms
 - Waterless urinals (optional)
 - Motion sensor faucets
 - Recycled water for landscaping

³ Calculation: (8,583 gpd * \$6.59/748 gal) x 30 days/month = \$ 2,268.53/month

⁴ Calculation: 12,874 gpd x \$24.76/gpd = \$318,760.24. This fee based on rates effective December 17, 2019. Actual fee to be based on rates in effect at time of payment

⁵ Calculation: 8,583 gpd/65 gpd x \$600 = \$79,227.69

Letter to Ron Fedrick
Nova Business Park South
June 23, 2020
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- 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
 - Education of employees regarding water conservation (offered in both English and Spanish)
8. 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.
9. 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 30, 2022. 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 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,

Richard Kaufman, P.E.
Public Works Director/City Engineer

cc: Jason Holley, City Manager
William Ross, City Attorney
Utility Billing

Letter to Ron Fedrick
Nova Business Park South
June 23, 2020
Page 6

**ACCEPTANCE
of
City's Conditional Offer of Water Service for
Nova Business Park South**

Devlin Road, Napa, CA 94558

Napa County Assessor's Parcel Number 057-020-025

I, _____, accept the conditions set forth in this communication.

By: Ronald Fedrick
Ron Fedrick & K 2011 Trust

(Print Name and Title)

(Signature)

Date: _____

CITY OF
**AMERICAN
CANYON**



PUBLIC WORKS DEPARTMENT

4381 BROADWAY, SUITE 201
AMERICAN CANYON, CA 94503

WATER SUPPLY REPORT

FOR

Nova Business Park South

Devlin, Napa, CA 94558
Napa County Assessor's Parcel Number
057-020-025

Prepared by:

Edison Bisnar
Development Services Engineer

Approved by:

Richard Kaufman, P.E.
Public Works Director/City Engineer

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 on Devlin Road (Assessor's Parcel Number: 057-020-025) on approximately 20.23 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 subdivide an existing 20.23 +/- acre parcel into eleven parcels, ranging from 0.91 acres to 2.81 acres, to create a campus-style business park. The project includes two proposed cul-de-sacs to provide access to the parcels. Entitlements required include a Tentative Subdivision Map Permit from Napa County 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 Numbers (APN) 057-2020-025. The project was not constructed, and no water service has been provided to this parcel. The approved Will Serve has expired.

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 January 25, 2019, was submitted on behalf of Owner, Ron Fedrick. 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 8,853 gallons per day (gpd), as shown on Table 1.

Table 1 – Property ADD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
3,813	4,770	0	8,583

1.6 - Maximum Day Demand (MDD)

As shown in Table 2, the anticipated Maximum Demand (MDD) for the Property is 12,874 gpd.

Table 2 – Property MDD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
5,719	7,155	0	12,874

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 (435 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)
20.23	675	650	424

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 (8,583 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 \$79,227.69³ 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 8,583 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

³ Calculation: 8,583 gpd/65 gpd x \$600 = \$79,227.69

⁴ ACMC §13.14.070

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 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 \$318,760.24. This amount one-time fee is based on the rate of \$24.76 per gallon x MDD (12,874 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. In accordance with the American Canyon Water Capacity Fee Ordinance⁶, the Property shall accrue a monthly service charge in the amount of \$6.59/100 cubic feet, plus any surcharges and monthly meter fees. Based on the ADD, the estimated water service charge is approximately \$2,268.53⁷ per month plus a monthly meter fee. All service charges shall be based on actual use and rate schedule that is in place at time of billing.

3.3 - Reimbursable Improvements

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

SECTION 4.0 - VINEYARDS ANALYSIS

4.1 – Vineyards Decision

⁵ ACMC §13.06.090

⁶ ACMC §13.06.040

⁷ (8,583 gpd/748 gpu) * \$6.59/unit * 30 days/month=\$2,268.53/month

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 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 2,000 acre-feet of treated water may be purchased as a retail customer.

City customers consumed 2,460 acre-feet of SWP water in 2015. The 2015 UWMP determined adequate supplies exist for all planning horizons and supply scenarios, except for the "single-dry year scenarios". For single dry year scenarios only 2025 appears to have adequate supplies.

New water demand from the Project and reduced per capita consumption (facilitated by the City's Water Conservation Program) were anticipated as part of the assumed future demand growth in all planning horizons and supply scenarios in the 2015 UWMP. If the total AADD 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

Nova Business Park South

**Devlin Road, Napa CA 94558
Napa County Assessor's Parcel Numbers
057-020-025**

I, _____, _____
(Print Name) (Print Title)

acknowledge and accept the water supply analysis as set forth in this Water Supply Report dated _____, 2020.

(Signature)

Date: _____



COLLECTION • TREATMENT • RECOVERY • REUSE

February 20, 2019

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

SUBJECT: 19-00022 NOVA BUSINESS PARK, REFRL-000984, Beth Painter, (Gargiulo)

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 and reclaimed water 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 is currently outside of the boundaries of NapaSan. Annexation of the subject parcel will be required.
3. The owner/developer shall enter into a subdivision agreement with NapaSan and post the appropriate bonds covering the required sanitary sewer and reclaimed water improvements prior to final annexation to NapaSan.
4. The proposed sanitary sewer main shall be installed a minimum of 8 feet from the face of curb, a minimum of 10 feet from the proposed water main, and a minimum of 5 feet edge-to-edge from other utilities.
5. The portion of the sanitary sewer main that will cross the wetland swale shall be installed within an epoxy coated steel casing. The crossing shall be designed without a siphon.
6. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:

- a. Agreement Fees
 - b. Annexation Fees
 - c. Plan Check Fees
 - d. Inspection Fees
 - e. Capacity Charges (per single family dwelling)
 - f. Capacity Charges (based on use and square footage for commercial. Outdoor dining and event space is included in the square footage)
 - g. Capacity Charges (per unit for transient occupancy)
7. Each parcel shall be served by a separate sanitary sewer lateral.
8. The subject parcels shall use recycled water for their landscape irrigation.
9. The owner/developer shall install approximately 3,100 linear feet of 12" reclaimed water main in Devlin Road from NapaSan's existing 24" transmission main where it crosses Devlin Road to the Northern boundary of the subject development.
10. All sanitary sewer mains that will be located outside of the public right of way shall be installed in sanitary sewer easements dedicated to NapaSan. The minimum width of the easements shall be 20 feet. Wider easements may be required depending on the size and depth of facilities. No trees or other permanent structures will be allowed within the sanitary sewer easements.
11. All specialty hardscape/landscape features proposed within the required sanitary sewer easements shall be subject to approval by NapaSan. If approved, the owner shall enter into an indemnification agreement with NapaSan that places the expense for removal and/or replacement of the features on the owner.
12. Permanent all weather access shall be provided to all manholes located outside of the public right of way.
13. 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 \$9,520 and will increase by the Consumer Price Index (CPI) annually in July. 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,

Simon Kobayashi, P.E.
Associate Engineer

