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

**PLANNING COMMISSION HEARING – DECEMBER 16, 2020  
RECOMMENDED CONDITIONS OF APPROVAL**

**SAFE HARBOR 3.0  
USE PERMIT #P18-00179-UP & TENTATIVE PARCEL MAP #P20-00217-PM  
WEST SIDE OF DEVLIN ROAD  
APN 057-110-012**

This Permit encompasses and shall be limited to the project commonly known as the Safe Harbor 3.0, located on the west side of Devlin Road and the south side of Fagan Creek. 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 and Tentative Parcel Map for a new 850,000 gallon per year wine production, bottling, and storage facility to allow the following:
  - a. construction of an approximately 50,612 sq. ft. building, with 8,796 sq. ft. of outdoor covered work areas, for production, storage, bottling and office areas;
  - b. construction of an approximately 16,858 sq. ft. building, with of 5,975 sq. ft. outdoor covered work areas, for storage;
  - c. on-site parking for 100 vehicles (the installation of 49 parking spaces will be deferred);
  - d. on-site process wastewater pre-treatment system; and
  - e. signage and landscape improvements.
- 1.2 Approval of a tentative parcel map to split the property into two lots, one on either side of Devlin Road. The proposed lot on the west side of Devlin Road would have 9.81 acres and the lot on the east side of the road would have 2.36 acres.
- 1.3 Approval of a variation to the development regulations of the Napa Valley Business Park Specific Plan to reduce the required 75-foot setback from Fagan Creek. The creek setback would be reduced to a minimum of approximately 65-foot for portions of eight (8) parking spaces located between the two buildings

and to a minimum of approximately 55-feet for a portion of a drive aisle that provides circulation and emergency vehicle access around the westerly (largest) of the two buildings. Additional encroachment into the creek setback area includes bio retention areas and two drainage outfalls into Fagan Creek.

- 1.4 Approval of a variation to the development regulations of the Napa Valley Business Park Specific Plan to reduce the required building and landscape setbacks from the north property would be reduced to 32-feet and 5-feet, respectively.

The project 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 a two lot parcel map on a 12.17 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

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

Please contact the Fire Department with any questions regarding the following:

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized events allowed per COA No. 1.0 above.

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 April 29, 2020.

- b. Environmental Health Division operational conditions as stated in their Memorandum dated November 22, 2020.
- c. Building Division operational conditions as stated in their Memorandum dated January 16, 2019.
- d. Department of Public Works operational conditions as stated in their Memorandums dated June 4, 2020, and October 30, 2020.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated February 24, 2020.
- f. City of American Canyon operational conditions as stated in their “will serve” letter dated November 15, 2019, and their comment letter dated May 13, 2020.
- g. Napa Sanitation District operational conditions as stated in their “will serve” letter dated November 15, 2019, and their comment letter dated September 9, 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

- a. Winery Operations
  - 1. There shall be no tours and tastings or marketing events unless a modification to this use permit is approved by the County.
  - 2. Retail sales of wine shall be permitted as set forth in the County Code.
  - 3. Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine.

- b. Transportation Demand Management Plan
  - 1. Prior to issuance of building permits, the permittee shall submit a Traffic Demand Management (TDM) Plan to the Planning Division and the Public Works Department for review and approval, including measures to reduce Vehicle Miles Travelled (VMT) by 15%. The measures listed in the TDM program, or equally effective alternative trip reduction measures proposed by the permittee and approved by the PBES Director or the Director's designee, shall be implemented for the life of the project.
  - 2. This measure shall be implemented upon County authorization and an ongoing Monitoring and Reporting Statement shall be made available to the Planning Division upon request, on January 15 of each year. The TDM Plan may be subject to further submittal of annual reporting requirements upon request in response to the County development and adoption of a Vehicle Mile Traveled (VMT) Reduction Program.

#### 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 April 29, 2020.

- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 22, 2020.
- c. Building Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated January 16, 2019.
- d. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandums dated June 4, 2020, and October 30, 2020.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated February 24, 2020.
- f. City of American Canyon plan review/construction/preoccupancy conditions as stated in their “will serve” letter dated May 4, 2020, and comment letter dated May 13, 2020.
- g. Napa Sanitation District operational conditions as stated in their “will serve” letter dated November 15, 2019, and their comment letter dated September 9, 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

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

BIO-1: The area on the south side of Fagan Creek, at a minimum between the outer extent of the required 75-foot creek setback and the southerly property line, consisting of approximately 0.42 acres, shall be preserved in perpetuity via a deed restriction.

Method of Mitigation Monitoring: The permittee shall execute and record in the county recorder's office a deed restriction, in a form approved by County Counsel, prior to any earth disturbing activities on the project site, or within 12 months of project approval, whichever occurs first.

BIO-2: Prior to issuance of a grading or building permit, the project applicant shall provide documentation from the California Department of Fish and Wildlife (CDFW) that a streambed alteration agreement has been issued or that said department does not deem such permitting necessary. The terms and conditions of that permitting are subject to CDFW concurrence and may be modified as deemed necessary by that agency. If deemed necessary by CDFW, a Tree Replacement and Riparian Enhancement Plan (plan) that describes the impacts and proposed compensation measures will be provided to the agency(ies) for their approval prior to any earth disturbing activities on the project site. Mitigation will be at a 2:1 compensation to loss ratio of any California native tree removed as part of the project. The plan, prepared by a qualified biologist will have the following elements:

- A list of native trees and shrubs to be planted, sizes and spacing.
- Mitigation will be at 2:1 compensation to loss ratio.
- Plant species selected shall be native species adapted to the area and be species known to grow within the existing plant community.
- Plantings will be done during the optimal season for the species being planted which is typically in the winter season.
- An 80% survival rate over a period of 5 years for new plantings will be the target success criteria.
- Invasive exotic plant species, such as Himalayan blackberry, will be controlled to the maximum extent practicable to accomplish the revegetation effort.
- Chemical control of invasive exotic plant species, if required and/or permitted by CDFW, will be conducted by a certified pesticide applicator per labeled directions and all other federal, state, and local laws and regulations and will be certified for use in an aquatic environment.
- All disturbed areas will be seeded with a native herbaceous seed mix to be developed as part of the restoration plan.
- An annual report will be prepared each year for a minimum of five years and submitted to Napa County Planning Division, and CDFW that describes the revegetation effort, survival of the plantings and any recommendations for maintenance and work needed to ensure a successful restoration effort.

Method of Mitigation Monitoring: The applicant shall submit evidence of permits from CDFW and a Tree Replacement and Riparian Enhancement plan to the Planning Division, if required, prior to issuance of grading or building permits.

BIO-3: Within 30 days prior to the commencement of construction activities, a qualified biologist shall conduct preconstruction transect and aquatic surveys for western pond turtles to ensure that no turtles are located on or in proximity to the site. If turtles are found, the CDFW will be contacted to determine appropriate mitigation measures and the work shall be halted until the consultations are completed.

Method of Mitigation Monitoring: The permittee shall have a western pond turtle survey completed prior to any construction activities scheduled to occur on the site. The survey results shall be provided to the Planning Division. In the event western pond turtles are found to occur, on-site consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts.

BIO-4: If construction would commence anytime during the nesting/breeding season of any bird species listed in the Migratory Bird Treaty Act (MBTA), typically February 1 through August 31, 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 immediately adjacent to the construction zone. 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. 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 August 31. 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 birds protected under the MBTA.

BIO-5: If construction would commence anytime during the nesting/breeding season of the Swainson's hawk, or other raptors (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 should 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 preconstruction survey should 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.

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 subdivider 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)  
**[RESERVED]**

6.18 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. Fagan Creek

1. The location of creek setbacks shall be clearly demarcated in the field with temporary construction fencing, which shall be placed at the outermost edge of required setbacks shown on the approved project plans. Temporary protection fencing shall be installed prior to any earthmoving activities and remain in place through the duration of project construction. The locations of said protection fencing shall be inspected and approved by the Planning or Engineering Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, parking, etc. shall occur within the designated creek setback areas for the duration of the project. All construction and related traffic shall remain on the inside (vineyard block side) of the protective fencing to ensure that the creek, buffer zones, and associated riparian habitat and/or woodland remain undisturbed.

2. Prior to issuance of a building or grading permit for the proposed stormdrain outfall into Fagan Creek, the permittee shall provide documentation from the California Department of Fish and Wildlife

(CDFW) that a streambed alteration agreement has been issued or that said department does not deem such permitting necessary.

## 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](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

BIO-1: The area on the south side of Fagan Creek, at a minimum between the outer extent of the required 75-foot creek setback and the southerly property line, consisting of approximately 0.42 acres, shall be preserved in perpetuity via a deed restriction.

Method of Mitigation Monitoring: The permittee shall execute and record in the county recorder's office a deed restriction, in a form approved by County Counsel, prior to any earth disturbing activities on the project site, or within 12 months of project approval, whichever occurs first.

BIO-2: Prior to issuance of a grading or building permit, the project applicant shall provide documentation from the California Department of Fish and Wildlife (CDFW) that a streambed alteration agreement has been issued or that said department does not deem such permitting necessary. The terms and conditions of that permitting are subject to CDFW concurrence and may be modified as deemed necessary by that agency. If deemed necessary by CDFW, a Tree Replacement and Riparian Enhancement Plan (plan) that describes the impacts and proposed compensation measures will be provided to the agency(ies) for their approval prior to any earth disturbing activities on the project site. Mitigation will be at a 2:1 compensation to loss ratio of any California native tree removed as part of the project. The plan, prepared by a qualified biologist will have the following elements:

- A list of native trees and shrubs to be planted, sizes and spacing.
- Mitigation will be at 2:1 compensation to loss ratio.
- Plant species selected shall be native species adapted to the area and be species known to grow within the existing plant community.
- Plantings will be done during the optimal season for the species being planted which is typically in the winter season.
- An 80% survival rate over a period of 5 years for new plantings will be the target success criteria.
- Invasive exotic plant species, such as Himalayan blackberry, will be controlled to the maximum extent practicable to accomplish the revegetation effort.
- Chemical control of invasive exotic plant species, if required and/or permitted by CDFW, will be conducted by a certified pesticide applicator per labeled directions and all other federal, state, and local laws and regulations and will be certified for use in an aquatic environment.
- All disturbed areas will be seeded with a native herbaceous seed mix to be developed as part of the restoration plan.
- An annual report will be prepared each year for a minimum of five years and submitted to Napa County Planning Division, and CDFW that describes the revegetation effort, survival of the plantings and any recommendations for maintenance and work needed to ensure a successful restoration effort.

Method of Mitigation Monitoring: The applicant shall submit evidence of permits from CDFW and a Tree Replacement and Riparian Enhancement plan to the Planning Division, if required, prior to issuance of grading or building permits.

BIO-3: Within 30 days prior to the commencement of construction activities, a qualified biologist shall conduct preconstruction transect and aquatic surveys for western pond turtles to ensure that no turtles are located on or in proximity to the site. If turtles are found, the CDFW will be contacted to determine appropriate mitigation measures and the work shall be halted until the consultations are completed.

Method of Mitigation Monitoring: The permittee shall have a western pond turtle survey completed prior to any construction activities scheduled to occur on the site. The survey results shall be provided to the Planning Division. In the event western pond turtles are found to occur, on-site consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts.

BIO-4: If construction would commence anytime during the nesting/breeding season of any bird species listed in the Migratory Bird Treaty Act (MBTA), typically February 1 through August 31, 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 immediately adjacent to the construction zone. 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. 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 August 31. 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 birds protected under the MBTA.

BIO-5: If construction would commence anytime during the nesting/breeding season of the Swainson's hawk, or other raptors (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 should 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 should 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. Fagan Creek
  1. The location of creek setbacks shall be clearly demarcated in the field with temporary construction fencing, which shall be placed at the outermost edge of required setbacks shown on the approved project plans. Temporary protection fencing shall be installed prior to any earthmoving activities and remain in place through the duration of project construction. The locations of said protection fencing shall be inspected and approved by the Planning or Engineering Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, parking, etc. shall occur within the designated creek setback areas for the duration of the project. All construction and related traffic shall remain on the inside (development) of the protective fencing to ensure that the creek, buffer zones, and associated riparian habitat and/or woodland remain undisturbed.
  2. Prior to issuance of a building or grading permit for the proposed stormdrain outfall into Fagan Creek, the permittee shall provide documentation from the California Department of Fish and Wildlife (CDFW) that a streambed alteration agreement has been issued or that said department does not deem such permitting necessary.

## 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. The temporary construction fencing placed along the Fagan Creek setback shall be removed prior to final occupancy.



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**Planning, Building & Environmental Services**

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**David Morrison**  
Director

## MEMORANDUM

To: Sean Trippi, Planning	From: Daniel Basore, Engineering
Date: April 29, 2020	Re: P18-00179 Safe Harbor 3.0 Use Permit APN: 057-110-012-000

The Engineering Division has reviewed the use permit application P18-00179 for the Safe Harbor 3.0 Use Permit located on assessor's parcel number 057-110-012. 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:

### OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.
2. The property owner shall maintain the post-construction stormwater bio-retention swales between the curb and private property line along the Devlin Road frontage that were installed as part of the Devlin Road Segment E extension project and include the maintenance work in the Operations and Maintenance Agreement that must be executed prior to final occupancy of the development permits.

### PREREQUISITES FOR ISSUANCE OF PERMITS

3. 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.



4. 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.
5. 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.
6. **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.
7. **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.
8. **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.
9. All improvements shall conform to the latest Napa County Airport Industrial Area Specific Plan.
10. 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.
11. 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.
12. An Encroachment Permit is required from the Public Works Department for all construction activities including landscaping that are proposed within the Public Right of Way.

#### **PREREQUISITES DURING PROJECT CONSTRUCTION**

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

#### **PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY**

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

**PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY**

15. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
  
16. 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](mailto:Daniel.Basore@countyofnapa.org)



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David Morrison  
Director

MEMORANDUM

To: Sean Trippi, Project Planner	From: Kim Withrow, Environmental Health Supervisor <i>KDW</i>
Date: November 22, 2020	Re: Safe Harbor 3.0 APN 057-110-012 File #P18-00179

Environmental Health staff has reviewed an application requesting approval to construct a new winery and wine storage building with related improvements as described and depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. All waste water lines of the proposed development must be connected to the Napa Sanitation District. All pre-treatment shall be approved and/or permitted by Napa Sanitation District. The pre-treatment system shall be operated at all times so as to not create a nuisance of noise or odors. Approval from Napa Sanitation District is required prior to issuance of a building permit for any structure that generates wastewater.
2. The proposed development must be connected to the City of American Canyon water system. Approval from City of American Canyon is required prior to issuance of a building permit.
3. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

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

4. 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.

Upon final occupancy and thereafter:

5. 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.
6. A commercial food facility is not included in this project. The architectural plans submitted with the use permit application show an employee break room located within the proposed facility. This break room is approved for employee use only and must be designed considering this use. If the proposed break room includes components typical of a commercial kitchen facility the applicant will be required to redesign the break room or apply for a use permit modification for approval of a commercial kitchen meeting all applicable requirements.
7. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.



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**David Morrison**  
Director

To: Sean Trippi, Project Planner	From: Marie Taylor, Building Inspector
Date: January 16, 2019	Re: Use Permit – Safe Harbor 3.0 File # P18-00179 Address: 665 Napa Hwy Napa, Ca. 94558 APN: 057-110-012

**Building Inspection Division; Planning Use Permit Review Comments**

The plans provided for the Use Permit application P18-00179 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

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**Steven Lederer**  
Director

## MEMORANDUM

To: PBES Staff	From: Ahsan Kazmi, P. E. Senior Traffic Engineer
Date: June 4, 2020	Re: Safe Harbor 3.0 (P18-00179) <b>Conditions of Approval</b>

This memorandum is prepared at the request of Planning, Building, and Environmental Services (PBES) staff to provide conditions of approval per the County policies established for the Napa Valley Business Park related to the Use Permit application # P18-00179 for the Safe Harbor 3.0 Project, located at 665 State Highway 29, American Canyon, California. The proposed project is located in the developed Business Area of the Napa County Airport Business Park. The Department of Public Works established the following conditions of approval related to the Use Permit application # P18-00179:

**Traffic Mitigation Fees Required:** All new development or improvements to existing development that will generate additional traffic, in the Napa Valley Business Park Area, are required to pay a Traffic Mitigation Fee (TMF). The fees collected are used to fund the construction of new roads and intersection improvements in the area. The TMF payable to the Department of Public Works and shall be paid in full before issuance of the building permit. Please contact Patt Throne-Hetzer in the Public Works office at (707) 259-6719 for further details.

**Napa Valley Vine Trail:** The project shall tie into the Napa Valley Vine Trail which contains a separated bicycle and pedestrian lane and any easement or Right of Way needed for the Vine Trail.

**Other Recommended Approval Conditions:** The applicant shall meet recommended approval conditions 1 through 16 as established by the Napa County Engineering Division in a memorandum to Napa County Planning Division, dated; April 29, 2020.

**Encroachment Permit Required:** An encroachment permit will be required for any improvements including landscaping in the County's right-of-way. Please contact 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-Permit>

Please contact me at [Ahsan.Kazmi@countyofnapa.org](mailto:Ahsan.Kazmi@countyofnapa.org) or call (707) 259-8370 if you have questions or need additional information.



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**Steven E. Lederer**  
Director

## **TENTATIVE PARCEL MAP** **PUBLIC WORKS COMMENTS**

To: Sean Trippi, Planner	File Number: <b>P20-00217-TPM/P18-00179-UP</b>
From: Danielle Goshert, County Surveyor	APN: 057-110-012

Date: 10/30/2020

Public Works issues the following Conditions of Approval:

- The Final Parcel Map shall include the Avigation Easement / Overflight Statement as required by Napa County Code Section 17.22.110 and Section 17.14.265. Reference should also be made to the recorded Avigation Easement (Doc. No. 1995-0027945)
- The Final Parcel Map shall include monuments set in compliance with Napa County Code Chapter 17.44 and also in compliance with the adopted Road & Street Standards (rev. 02/04/2020).





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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) 299-1466

Adam Mone  
Fire Plans Examiner

## MEMORANDUM

TO: Planning	DATE: 2/24/2020
FROM: Adam Mone, Plans Examiner	
SUBJECT: <b>Safe Harbor 3.0 p18-00179</b>	APN: <b>057-110-012-000</b>

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. The permittee and/or designee shall obtain a permit from the Fire Department for any temporary structures/canopies/tents utilized for authorized events.
4. 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.
5. 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).
6. 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.
7. 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.





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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) 299-1466

Adam Mone  
Fire Plans Examiner

## MEMORANDUM

8. 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.
9. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.
10. Driveways shall be a minimum of 10 feet in width with a 4 foot shoulder and 15 foot vertical clearance.
11. Turnouts shall be a minimum of 12 feet in width, 30 foot in length and 25 foot taper on each end.
12. Turnarounds are required on driveways and dead end roadways.
13. Grades for all roadways and driveways shall not exceed 16 percent.
14. Roadway radius shall not have an inside radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
15. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
16. 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.
17. 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.
18. 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 for the installation of Underground Fire Protection Mains
19. 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



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

National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.

20. 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.
21. Provide 100 feet of defensible space around all structures.
22. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
23. 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 Development Guidelines can be found @ [www.countyofnapa.org/firemarshal](http://www.countyofnapa.org/firemarshal). Should you have any questions of me, contact me at (707)299-1466 or email at [adam.mone@countyofnapa.org](mailto:adam.mone@countyofnapa.org)



May 4, 2020

Alan Sullivan  
Safe Harbor Partners, LLC  
110 Rancheria Road  
Kentfield, CA 94904

SUBJECT: Request for Water Service "Will-Serve" Letter  
Safe Harbor 3.0  
665 Napa Vallejo Highway, Napa, CA 94558  
(APN's 057-110-012)

Mr. Sullivan:

The proposed project includes construction of a winery facility with a production limit of 850,000 gallons of wine per year. Facilities will include Building A, comprising of 50,612 square feet wine production with approximately 8,796 square feet of outdoor work area, and Building B, comprising of approximately 16,858 square feet wine production with approximately 5,975 square feet of outdoor work area. There will be no retail sales and no access for the general public.

It is the City's understanding that the Property is located outside the City's limits but within the City's Extraterritorial Water Service Area (ETSA)<sup>1</sup> and that a Will-Serve Letter for water service to the Property is required prior to issuance of any building permits. 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 May 22, 2018, revised April 16, 2020. At present, the 12.03 acres property is occupied by a single family home with a well. The City has no record of historical potable water use at the property. No prior Will-Serve Letters have been issued by the City. Recycled water is available to the property and will be provided by Napa Sanitation District.

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<sup>1</sup> As defined by Napa County Local Agency Formation Commission Policy 07-27.

As Table 1 below shows, the requested Average Daily Demand (ADD) is 7,285 gal/day. Table 2 details the requested Maximum Daily Demand (MDD) of 14,400 gal/day for the Property.

**Table 1 – Requested Average Day Demand**

<u>Average Daily Water Demand (ADD) in gallons per day:</u>	
Domestic:	295 gpd
Irrigation:	0 gpd
Industrial:	6,990 gpd
<hr/>	
Total:	7,285 gpd

**Table 2 – Requested Maximum Day Demand**

<u>Maximum Daily Water Demand (MDD) in gallons per day:</u>	
Domestic:	375 gpd
Irrigation:	0 gpd
Industrial:	14,025 gpd
<hr/>	
Total:	14,400 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 (7,285 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 7,285 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 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.4<sup>th</sup> 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 are 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 \$1,925.46<sup>2</sup>, 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 \$356,544.00<sup>3</sup> based on MDD of 14,400 gallon per day. 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 \$67,246.15<sup>4</sup> 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
  - Ultra-low-flow fixtures and appliances
  - On demand (Instahot) hot water heaters or the plumbing of hot water return lines with an integral pump if using a centralized tank or tankless unit
  - Installation of ET Smart irrigation controllers
  - The following additional water conservation measures for limiting the use of process water:
    - Stainless steel tanks rather than barrels for fermenting and aging
    - UV tank cleaning
    - Clean-In-Place Systems for large equipment cleaning
    - Water meter monitoring with displays visible to employees

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<sup>2</sup> Calculation: (7,285 gpd \* \$6.59/748 gal) x 30 days/month = \$ 1,925.46/month

<sup>3</sup> Calculation: 14,400 gpd x \$24.76 = \$356,544.00. This fee is based on rates effective December 17, 2019. Actual fee to be based on rates in effect at time of payment

<sup>4</sup> Calculation: 7,285 gpd/65 gpd x \$600 = \$67,246.15

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 May 31, 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  
Susan Presto, Finance Manager  
Utility Billing

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

**Alan Sullivan  
Safe Harbor Partners, LLC**

**665 Napa Vallejo Highway, Napa, CA 94558  
Napa County Assessor's Parcel Numbers 057-110-012**

I, Alan F. Sullivan Managing Partner  
(Print Name) (Print Title)

accept the conditions set forth in this communication.

Alan F. Sullivan Date: 5-8-20  
(Signature)



CITY OF  
AMERICAN  
CANYON



PUBLIC WORKS DEPARTMENT

4381 BROADWAY, SUITE 201  
AMERICAN CANYON, CA 94503

**WATER SUPPLY REPORT**

FOR

**Alan Sullivan**  
**Safe Harbor Partners, LLC**

665 Napa Vallejo Highway, Napa, CA  
Napa County Assessor's Parcel Numbers 057-110-012

Prepared by:

Edison Bisnar, Jr.  
Development Services Engineer

Approved by:

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

5/13/2020

**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 ("City") 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 the southern terminus of Devlin Road north of Fagan Creek (Assessor's Parcel Numbers: 057-110-012) and includes approximately 12.03 acres referred to herein as the "Property." The Property is zoned General Industrial, Airport Compatibility (GI:AC) and is located outside the City's limits but within the City's Extraterritorial Water Service Area (ETSA)<sup>1</sup>.

### **1.2 - Project Description**

The proposed project includes construction of a winery facility with a production limit of 850,000 gallons of wine per year. Facilities will include Building A, comprising of 50,612 square feet wine production with approximately 8,796 square feet of outdoor work area, and Building B, comprising of approximately 16,858 square feet wine production with approximately 5,975 square feet of outdoor work area. There will be no retail sales and no access for the general public. Issuance of use permits and building permits from Napa County requires Will-Serve Letters from the City (for potable water service – domestic and fire service) and Napa Sanitation District (for sewer and recycled water service)<sup>2</sup>.

The project incorporates the following water conservation best management practices:

- Ultra low-flow toilets in restrooms
- Ultra-low-flow fixtures and appliances
- On demand (Instahot) hot water heaters or the plumbing of hot water return lines with an integral pump if using a centralized tank or tankless unit
- Recycled water for landscaping
- Education of employees regarding water conservation (offered in both English and Spanish)

In addition, the project incorporates the following water conservation measures for limiting the use of process water:

- Stainless steel tanks rather than barrels for fermenting and aging
- UV tank cleaning
- Clean-In-Place Systems for large equipment cleaning

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<sup>1</sup> As defined by Napa County Local Agency Formation Commission (LAFCO) Policy 07-27.

<sup>2</sup> The project site is 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.

- Water meter monitoring with displays visible to employees
- Gravity material movement via steep declines, sumps and conveyors

**1.3 - Status of Existing Services**

The property is occupied by a single family home with a well. The City has no record of historical potable water use at the property. No prior Will-Serve Letters have been issued by the City. The property is not currently served by City recycled water.

**1.4 - Will Serve Application**

A Will-Serve Application was submitted on behalf of the Owner, Alan Sullivan, on April 16, 2020, by Always Engineering, the project engineer of record. The application and supporting details describe the existing and anticipated water demands for the project. Staff has reviewed the provided application, and with incorporation of process water conservation measures described above and finds the estimate to be consistent with industry standards for similar uses.

**1.5 - "Average-Day" Demand (ADD)**

As shown on Table 1, the anticipated "Average-Day" Demand (ADD) for the Property is 7,285 gpd.

Table 1 – Property ADD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
295	6,990	0	7,285

**1.6 - Maximum Day Demand (MDD)**

As shown in Table 2, the anticipated Maximum Day Demand (MDD) for the Property is 14,400 gpd.

Table 2 – Property MDD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
375	14,025	0	14,400

## 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 (606 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 allowable (gpd/acre)	ACMC 13.10 allowable (gpd/acre)	Property ADD (gpd/acre)
12.03	675	650	606

### 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 (7,285 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 \$67,246.15<sup>3</sup> 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 7,285 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 makes to the water capacity fee program in addition to the ZWF Mitigation fee it will make 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 emergency<sup>4</sup>. Emergencies are declared in four stages with specific reduction methods used for each stage. In the event the

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<sup>3</sup> Calculation: 7,285 gpd/65 gpd x \$600 = \$67,246.15

<sup>4</sup> APMC §13.14.070

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 Project's contribution shall be equal to the property's reasonably allocated annual demand (in acre-feet per year, 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 Ordinance<sup>5</sup>, the Property shall pay a Water Capacity Fee of \$356,544.00. This one-time fee is based on the rate of \$24.76 per gallon per day x MDD (14,400 gpd). Capacity fees will be adjusted based on fees in effect at the time of payment. Such fees 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 Ordinance<sup>6</sup>, 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 \$1,925.46<sup>7</sup> 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.

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<sup>5</sup> ACMC §13.06.090

<sup>6</sup> ACMC §13.06.040

<sup>7</sup> (7,285 gpd/748 gpu) \* \$6.59/unit \* 30 days/month=\$1,925.46/month



### **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 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. Annually, the City of Vallejo supplies up to 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 UWMP 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 owner 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 a 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 of the 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**

**Alan Sullivan  
Safe Harbor Partners, LLC**

**665 Napa Vallejo Highway, Napa, CA 94558  
Napa County Assessor's Parcel Numbers 057-110-012**

I, Alan F. Sullivan Managing Partner  
(Print Name) (Print Title)

acknowledge and accept the water supply analysis as set forth in this Water  
Supply Report dated \_\_\_\_\_.

AS Sullivan  
(Signature)

Date: 5-8-20



November 13, 2019

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

SUBJECT: APN 057-110-012 – Safe Harbor 3.0 Winery and Storage  
NSD Will Serve #074 – REVISED 11-13-2019

To Whom It May Concern:

The Napa Sanitation District has received a request to provide a "Will Serve" letter for a proposed 49,087 SF building, an proposed 16,858 SF building, and a 13,871 SF outdoor work area located on the subject parcel. The subject parcel is 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 development fees. The facility shall be subject to all applicable rules and regulations of the District.
3. Enter into an Industrial User permit for industrial process wastewater discharged to the District and/or sign a zero-waste discharge permit for process wastewater that is held onsite and hauled to an approved disposal site.

The District has been informed that the proposed building addition will generate approximately 375 gallons of domestic wastewater per day which is equivalent to the flow of approximately 2 single-family dwellings.

The District has been informed that the proposed building and work area will generate approximately 16,016 gallons of industrial process wastewater per day during the peak month, which is equivalent to the flow of approximately 77 single-family dwellings.

This parcel is within the District's Recycled Water Benefit Zone. The development will be required to install the necessary facilities to utilize recycled water for landscape irrigation. The project has requested service to approximately 0.28 acres of landscaping, with a recycled water demand of approximately 0.34 acre-feet per year. The District will provide recycled water service to this parcel.

NapaSan  
1515 Soscol Ferry Road  
Napa, CA 94558

Office (707) 258-6000  
Fax (707) 258-6048

[www.napasand.com](http://www.napasand.com)

This "Will Serve" letter for sanitary sewer and recycled water service is valid for a period of three (3) years from the date of this letter. If the proposed development has not obtained its required Connection Permits from the District at the end of this time, this "Will Serve" letter shall become void. If you have any questions regarding this matter, please contact me at (707) 258-6013 or kono@napasan.com.

Sincerely,



Karl Ono, P.E.  
Associate Engineer

cc: Jason Hocheder, P.E., Always Engineering Inc.



COLLECTION • TREATMENT • RECOVERY • REUSE

September 09, 2019

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

SUBJECT: 18-00179 SAFE HARBOR 3.0, REFRL-000871, Scott McLeod, Alan Sullivan, 665 NAPA VALLEJO HWY (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 application indicates that the owner desires to discharge the process wastewater to the District, the owner would be required to pay capacity charges to the District 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.
3. If the applicant decides that the proposed winery waste will be handled by a hold and haul method then no discharge to NapaSan's sanitary sewer facilities will occur. Documentation of who will be hauling the waste shall be provided to NapaSan. The applicant shall enter into a zero-waste discharge permit with NapaSan.
4. Sanitary sewer facilities are required to have a minimum of 24" of cover at all points within the

public right of way. The proposed sanitary sewer facilities shall be designed to meet this requirement.

5. No floor drains are allowed in areas connected to domestic waste except in the restroom.
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. Plan Check Fees
  - c. Inspection Fees
  - d. Capacity Charges (based on use and square footage for commercial. Outdoor dining and event space is included in the square footage)
  - e. Capacity Charges (The capacity charges for the process waste stream shall be calculated per Section 5.02.030.B of District Code. The owner shall contact the NapaSan for additional information).)
7. The subject parcel shall use recycled water for their landscape irrigation.
8. 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](http://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 \$9,803 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.

Sincerely,



Simon Kobayashi, PE

Associate Engineer