

# CITY OF AMERICAN CANYON

*Napa Valley's New Destination*



June 4, 2009

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

SUBJECT: April 30, 2009, Request for Water Service "Will Serve" Letter  
Napa County APN 057-152-006  
Parcel Map Camino Oruga, Parcel 1  
156 Camino Oruga

Dear Ms. Gitelman:

The City of American Canyon ("City") has received a request from Mr. Pedro Teixeira ("Applicant") representing Nustad Revocable Trust ("Owner") for a "Will Serve" letter for improvements and use as described below related to the proposed improvement of real property located on 156 Camino Oruga at Napa County Assessor's Parcel Number 057-152-006 ("the Property"). The request is subject to both City and State legal requirements as detailed below.

At the August 5, 2008, City Council meeting, the City of American Canyon adopted Ordinance No. 2008-08, which revised the City's "Will Serve" policy to impose that certain conditions and exactions be imposed prior to receiving water service for a parcel. On October 23, 2007, the City Council adopted a Zero Water Footprint Policy, further defining its water policy. The City's understanding of the development of this property is based on the representations of the Applicant in a communication dated April 30, 2009, from Mr. Teixeira which states that the proposed development and use of the Property is an industrial warehouse.

The City's understanding of the use of the property is based on the representations of the applicant in a communication from Mr. Teixeira dated April 30, 2009. The applicant is proposing to subdivide a 2.55 acre parcel into three lots. This will serve letter is for parcel 1.

The use and water use are as follows:

Existing Building:	12,500 square feet
Proposed Building:	0 square feet
Total lot acreage:	.80 acres

Maximum Daily Water Demand in gallons per day:

Domestic:	138 gpd
Irrigation:	27 gpd
Industrial	0 gpd
<b>Total:</b>	<b>165 gpd</b>

**RECEIVED**

JUL 07 2009

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Annual Average Daily Water Demand in gallons per day:

Domestic:	116 gpd
Irrigation:	27 gpd
Industrial:	0 gpd
Combined peak daily water usage:	143 gpd

City Review

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

The City will continue to provide water service to the site subject to the following conditions and/or the continued existence of the following described conditions:

1. Applicant shall be subject to the City's rules and regulations in force at the time application for service for the authorized and described development is made, including all fees and charges, unless otherwise agreed in writing.
2. Applicant shall construct all facilities required to serve the development property which shall be determined by the City based on the authorized and described development. Applicant shall bear 100% of the costs of the facilities required to serve the development property, subject to review and approval of the City's Public Works Department. Applicant shall also be responsible for paying its proportionate fair-share allocation of any additional regional facilities required to serve the development property, including, but not limited to, participation in a mutual beneficial assessment district to be initiated by others.
3. Applicant shall submit to the City cost estimates for the construction of all on- and off-site public water facilities required for the authorized and described development. If the City finds the costs reasonable, the Applicant shall pay to the City an amount equal to Applicant's proportionate fair share of 5% of the agreed-upon construction costs to cover plan check and inspection services by the City. This fee is fixed and non-refundable. This Will Serve Letter is conditional upon the City's agreeing in writing to the estimated costs.
4. The Applicant shall waive all present and future protest(s) to a 40% surcharge on water rates for outside-the-City users or such other surcharge on water rates for outside-the-City uses as may be formulated by the City.
5. Because the City faces a cutback of up to 96% in its allocation from the State Water Project during extremely dry years, as documented by the City's Urban Water Management Plan, it is seeking additional water supply in the form of transfers of rights. The cost of this water supply is not known, nor is it included in the current City rates. The City is considering a drought surcharge on all customers, existing and new, in order to finance a drought reserve. The Applicant agrees to waive any protest to such a drought surcharge during its formulation and implementation and review under the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA").

6. As a result of *Vineyard Area Citizens for Responsible Growth v. Rancho Cordova* (2007) 40 Cal.4<sup>th</sup> 412, the lead agency as defined under CEQA, here the County, in its environmental review of a development project, including what is currently proposed by the Applicant, must at a minimum accomplish an environmental review under CEQA that: (a) presents sufficient facts to evaluate the pros and cons of supplying the water that the project will need; (b) presents an analysis that assumes that all phases of the project will be built and will need water, and includes an analysis to the extent reasonably possible of the consequences of the impacts of providing water to the entire project; and (c) where it is impossible to determine that anticipated future water sources will be available, some discussion of possible replacement sources or alternatives to use of anticipated water and of the environmental consequences of those impacts must be presented. *Vineyard, supra*, 40 Cal.4<sup>th</sup> 430-434.
7. Financial Obligation For Water Service
  - a. Monthly water service will be billed at the Vallejo rate per Chapter 13.10 of the City Municipal Code.
  - b. The water capacity fee for the subject use will be \$0.
  - c. The short-term mitigation fee shall be per the attached Water Supply Report.
8. The Project shall be subject to the attached Water Supply Report.

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

Except to the extent set forth, this letter does not create a liability or responsibility to the Applicant or to any third party on behalf of the City. The City does not make a determination as to land use entitlements required for the proposed project, and the issuance of this Will Serve Letter shall not be construed to be an expression of the City of a position regarding the use or 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 only becomes effective upon acceptance of the conditions set forth in this letter by execution of the acceptance provision set forth below and the transmittal of the executed acceptance to the City Public Works Department.

Sincerely yours,



Charles J. Beck, P.E.  
Interim Public Works Director

cc: Richard Ramirez, City Manager  
William D. Ross, City Attorney  
Pedro Teixeira, Nustad Revocable Trust

## ACCEPTANCE

I, Dean Teixeira, accept the conditions set forth in this communication.

C.O.O. Date: 6/9/09  
(Title)

\_\_\_\_\_  
(Title) Date: \_\_\_\_\_

# CITY OF AMERICAN CANYON

*Napa Valley's New Destination*



June 4, 2009

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

SUBJECT: April 30, 2009, Request for Water Service "Will Serve" Letter  
Napa County APN 057-152-006  
Parcel Map Camino Oruga, Parcel 2  
160 Camino Oruga

Dear Ms. Gitelman:

The City of American Canyon ("City") has received a request from Mr. Pedro Teixeira ("Applicant") representing Nustad Revocable Trust ("Owner") for a "Will Serve" letter for improvements and use as described below related to the proposed improvement of real property located on 160 Camino Oruga at Napa County Assessor's Parcel Number 057-152-006 ("the Property"). The request is subject to both City and State legal requirements as detailed below.

At the August 5, 2008, City Council meeting, the City of American Canyon adopted Ordinance No. 2008-08, which revised the City's "Will Serve" policy to impose that certain conditions and exactions be imposed prior to receiving water service for a parcel. On October 23, 2007, the City Council adopted a Zero Water Footprint Policy, further defining its water policy. The City's understanding of the development of this property is based on the representations of the Applicant in a communication dated April 30, 2009, from Mr. Teixeira which states that the proposed development and use of the Property is an industrial warehouse facility.

The City's understanding of the use of the property is based on the representations of the applicant in a communication from Mr. Teixeira dated April 30, 2009. The applicant is proposing to subdivide a 2.55 acre parcel into three lots. This will serve letter is for parcel 2.

The use and water use are as follows:

Existing Building:	2,390 square feet
Proposed Building:	9,900 square feet
Total lot acreage:	.83 acres

Maximum Daily Water Demand in gallons per day:

Domestic:	138 gpd
Irrigation:	27 gpd
Industrial	0 gpd
<b>Total:</b>	<b>165 gpd</b>

**RECEIVED**

**JUL 07 2009**

**NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.**

Annual Average Daily Water Demand in gallons per day:

Domestic:	116 gpd
Irrigation:	20 gpd
Industrial:	0 gpd
Combined peak daily water usage:	136 gpd

City Review

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

The City will continue to provide water service to the site subject to the following conditions and/or the continued existence of the following described conditions:

1. Applicant shall be subject to the City's rules and regulations in force at the time application for service for the authorized and described development is made, including all fees and charges, unless otherwise agreed in writing.
2. Applicant shall construct all facilities required to serve the development property which shall be determined by the City based on the authorized and described development. Applicant shall bear 100% of the costs of the facilities required to serve the development property, subject to review and approval of the City's Public Works Department. Applicant shall also be responsible for paying its proportionate fair-share allocation of any additional regional facilities required to serve the development property, including, but not limited to, participation in a mutual beneficial assessment district to be initiated by others.
3. Applicant shall submit to the City cost estimates for the construction of all on- and off-site public water facilities required for the authorized and described development. If the City finds the costs reasonable, the Applicant shall pay to the City an amount equal to Applicant's proportionate fair share of 5% of the agreed-upon construction costs to cover plan check and inspection services by the City. This fee is fixed and non-refundable. This Will Serve Letter is conditional upon the City's agreeing in writing to the estimated costs.
4. The Applicant shall waive all present and future protest(s) to a 40% surcharge on water rates for outside-the-City users or such other surcharge on water rates for outside-the-City uses as may be formulated by the City.
5. Because the City faces a cutback of up to 96% in its allocation from the State Water Project during extremely dry years, as documented by the City's Urban Water Management Plan, it is seeking additional water supply in the form of transfers of rights. The cost of this water supply is not known, nor is it included in the current City rates. The City is considering a drought surcharge on all customers, existing and new, in order to finance a drought reserve. The Applicant agrees to waive any protest to such a drought surcharge during its formulation and implementation and review under the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA").

6. As a result of *Vineyard Area Citizens for Responsible Growth v. Rancho Cordova* (2007) 40 Cal.4<sup>th</sup> 412, the lead agency as defined under CEQA, here the County, in its environmental review of a development project, including what is currently proposed by the Applicant, must at a minimum accomplish an environmental review under CEQA that: (a) presents sufficient facts to evaluate the pros and cons of supplying the water that the project will need; (b) presents an analysis that assumes that all phases of the project will be built and will need water, and includes an analysis to the extent reasonably possible of the consequences of the impacts of providing water to the entire project; and (c) where it is impossible to determine that anticipated future water sources will be available, some discussion of possible replacement sources or alternatives to use of anticipated water and of the environmental consequences of those impacts must be presented. *Vineyard, supra*, 40 Cal.4<sup>th</sup> 430-434.
7. Financial Obligation For Water Service
  - a. Monthly water service will be billed at the Vallejo rate per Chapter 13.10 of the City Municipal Code.
  - b. The water capacity fee for the subject use will be \$34.45.
  - c. The short-term mitigation fee shall be per the attached Water Supply Report.
8. The Project shall be subject to the attached Water Supply Report.

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

Except to the extent set forth, this letter does not create a liability or responsibility to the Applicant or to any third party on behalf of the City. The City does not make a determination as to land use entitlements required for the proposed project, and the issuance of this Will Serve Letter shall not be construed to be an expression of the City of a position regarding the use or 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 only becomes effective upon acceptance of the conditions set forth in this letter by execution of the acceptance provision set forth below and the transmittal of the executed acceptance to the City Public Works Department.

Sincerely yours,



Charles J. Beck, P.E.  
Interim Public Works Director

cc: Richard Ramirez, City Manager  
William D. Ross, City Attorney  
Pedro Teixeira, Nustad Revocable Trust

## ACCEPTANCE

I, PEDRO TEIXEIRA, accept the conditions set forth in this communication.

C.O.O. Date: 6/9/09  
(Title)

\_\_\_\_\_  
(Title) Date: \_\_\_\_\_

# CITY OF AMERICAN CANYON

*Napa Valley's New Destination*



June 4, 2009

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

SUBJECT: April 30, 2009, Request for Water Service "Will Serve" Letter  
Napa County APN 057-152-006  
Parcel Map Camino Oruga, Parcel 3  
164 Camino Oruga

Dear Ms. Gitelman:

The City of American Canyon ("City") has received a request from Mr. Pedro Teixeira ("Applicant") representing Nustad Revocable Trust ("Owner") for a "Will Serve" letter for improvements and use as described below related to the proposed improvement of real property located on 164 Camino Oruga at Napa County Assessor's Parcel Number 057-152-006 ("the Property"). The request is subject to both City and State legal requirements as detailed below.

At the August 5, 2008, City Council meeting, the City of American Canyon adopted Ordinance No. 2008-08, which revised the City's "Will Serve" policy to impose that certain conditions and exactions be imposed prior to receiving water service for a parcel. On October 23, 2007, the City Council adopted a Zero Water Footprint Policy, further defining its water policy. The City's understanding of the development of this property is based on the representations of the Applicant in a communication dated April 30, 2009, from Mr. Teixeira which states that the proposed development and use of the Property is an industrial warehouse facility.

The City's understanding of the use of the property is based on the representations of the applicant in a communication from Mr. Teixeira dated April 30, 2009. The applicant is proposing to subdivide a 2.55 acre parcel into three lots. This will serve letter is for parcel 3.

The use and water use are as follows:

Existing Building:	15,000 square feet
Proposed Building:	0 square feet
Total lot acreage:	.92 acres
<u>Maximum Daily Water Demand</u> in gallons per day:	
Domestic:	138 gpd
Irrigation:	27 gpd
Industrial	0 gpd
<b>Total:</b>	<b>165 gpd</b>

**RECEIVED**

JUL 07 2009

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Annual Average Daily Water Demand in gallons per day:

Domestic:	116 gpd
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Combined peak daily water usage:	136 gpd

City Review

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4. The Applicant shall waive all present and future protest(s) to a 40% surcharge on water rates for outside-the-City users or such other surcharge on water rates for outside-the-City uses as may be formulated by the City.
5. Because the City faces a cutback of up to 96% in its allocation from the State Water Project during extremely dry years, as documented by the City's Urban Water Management Plan, it is seeking additional water supply in the form of transfers of rights. The cost of this water supply is not known, nor is it included in the current City rates. The City is considering a drought surcharge on all customers, existing and new, in order to finance a drought reserve. The Applicant agrees to waive any protest to such a drought surcharge during its formulation and implementation and review under the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA").

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7. Financial Obligation For Water Service
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  - b. The water capacity fee for the subject use will be \$0.
  - c. The short-term mitigation fee shall be per the attached Water Supply Report.
8. The Project shall be subject to the attached Water Supply Report.

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

Except to the extent set forth, this letter does not create a liability or responsibility to the Applicant or to any third party on behalf of the City. The City does not make a determination as to land use entitlements required for the proposed project, and the issuance of this Will Serve Letter shall not be construed to be an expression of the City of a position regarding the use or intensity of use of the development property or that the County has complied with applicable law in assessing the proposed project under CEQA.

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Sincerely yours,



Charles J. Beck, P.E.  
Interim Public Works Director

cc: Richard Ramirez, City Manager  
William D. Ross, City Attorney  
Pedro Teixeira, Nustad Revocable Trust

## ACCEPTANCE

I, Deano Teixeira, accept the conditions set forth in this communication.

C.O.O. Date: 6/9/09  
(Title)

\_\_\_\_ Date: \_\_\_\_  
(Title)



Dedicated to Preserving the Napa River for Generations to Come

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

December 13, 2004

**FAX MEMO**  
# PAGES 1 DATE 12/13 FAX # 258-8777  
TO PEDRO TEIXEIRA  
FROM TODD HERRICK  
CO. 0330  
PH # \_\_\_\_\_ FAX # \_\_\_\_\_

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

\* ORIGINAL MAILED TO COUNTY

Re: Lot 22 in Napa Valley Business Park (APN 57-152-006)

To Whom it May Concern:

The Napa Sanitation District has received a request to provide a "Will Serve" letter for the proposed construction of three warehouse/office type structures totaling approximately 37,000 square feet to be constructed on the aforementioned parcel. The District has been informed that the proposed project will generate approximately 250 gallons of waste per day, which is equivalent to one single family dwelling.

This property is within the Districts boundaries, and the downstream sanitary sewer facilities are adequate to serve this development. The District will allow the proposed buildings to connect to the public sanitary sewer system upon payment of the appropriate connection and inspection fees, and shall be subject to all applicable rules and regulations of the District.

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

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

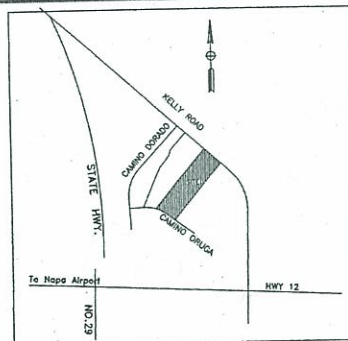
Sincerely,

Timothy B. Healy, P.E.  
Assistant General Manager

*Todd Herrick*  
by: Todd Herrick  
Senior Engineering Technician

cc: Pedro Teixeira, CDCS

5R EXPOSED  
#5



VICINITY MAP  
N.T.S.

NO ENV. MGMT. PERMIT REQUIRED  
PLANS APPROVED

DEPT. OF ENVIRONMENTAL MGMT.  
COUNTY OF NAPA

BY

Description: The project involves the construction of three 3-story concrete tilt-up building shells and improving the site.

APN: 057-152-006-000

Zone: GI WITH AC

Project Owner: CDCS Inc.  
127 Camino Dorado  
Napa, CA 94558

(707) 253-2277  
fax: 864-2277

Design Engineer: Leo McGlade and associates, inc. (916) 488-8380  
Brent T. Holby C.E. Director of Engineering fax: 488-2062  
3417 Arden Way  
Sacramento, CA 95825

Codes: 2001 Editions of the C.B.C., C.F.C., C.M.C., C.P.C., the 2004 C.E.C. and 2005 California Energy code.

Occupancy Group: Future "B" (office) & Future "S1" (warehouse)

Construction: Type III-N (Sprinklered)

Stories: 1

Actual Areas: Building A = 12,500 s.f.  
Building B = 9,800 s.f.  
Building C = 15,000 s.f.  
Total = 37,400 s.f.

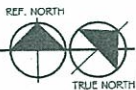
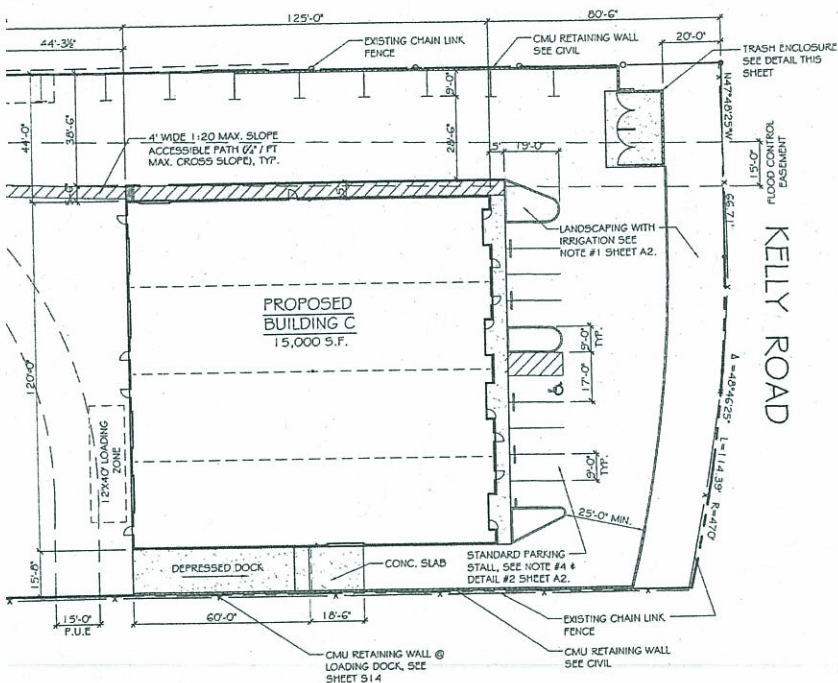
Allowable Areas: For allowable area, consider no clearances  
12,000 (basic) x 3 (sprinklers) = 36,000 s.f. each bldg. O.K.

Parking: 37,400 s.f. total  
5,904 s.f. office @ 1/250 = 24 spaces  
First 20,000 s.f. warehouse @ 1/1,000 = 20 spaces  
Remaining 11,416 s.f. warehouse @ 1/2,000 = 6 spaces  
Total required spaces = 50.  
Total spaces shown = 52

3 - 9'x18' van accessible  
46 - 9'x18' standard  
3 - 9'x16' compact

#### SHEET INDEX

- A1 SITE PLAN
- A2 GENERAL NOTES & DETAILS
- A3 FLOOR PLAN, BUILDING A
- A4 FLOOR PLAN, BUILDING B
- A5 FLOOR PLAN, BUILDING C
- A6 ELEVATIONS, BUILDING A
- A7 ELEVATIONS, BUILDING B
- A8 ELEVATIONS, BUILDING C
- A9 ROOF PLANS
- A10 ARCHITECTURAL DETAILS & NOTES
- S1 STRUCTURAL NOTES
- S2 FOUNDATION PLAN, BUILDING A
- S3 FOUNDATION PLAN, BUILDING B
- S4 FOUNDATION PLAN, BUILDING C
- S5 ROOF FRAMING PLAN, BUILDING A
- S6 ROOF FRAMING PLAN, BUILDING B
- S7 ROOF FRAMING PLAN, BUILDING C
- S8 CONCRETE FOOTING DETAILS
- S9 HYBRID ROOF DETAILS
- S10 STRUCTURAL PANEL ELEVATIONS, BUILDING A
- S11 STRUCTURAL PANEL ELEVATIONS, BUILDING B
- S12 STRUCTURAL PANEL ELEVATIONS, BUILDING C
- S13 LADDER DETAILS



RECEIVED

MAY 14 2006

DEPT. OF  
ENVIRONMENTAL MANAGEMENT

1307-557



REVISIONS	BY

Leo McGlade & associates, inc.  
152 Camino Oruga  
Napa, CA 94558  
3417 Arden Way Sacramento, CA 95825 (916) 488-8380

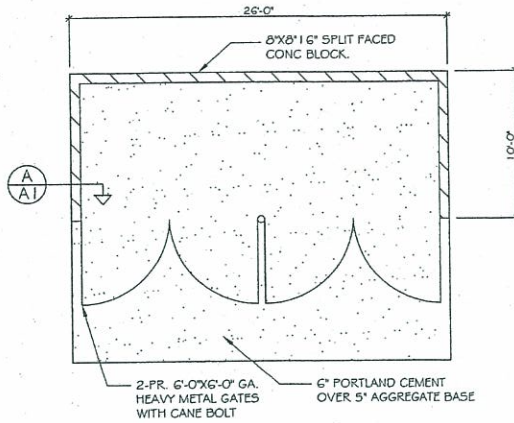


SITE PLAN

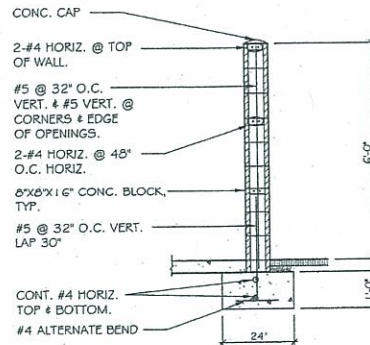
3 PROPOSED BUILDINGS

152 CAMINO ORUGA  
NAPA COUNTY

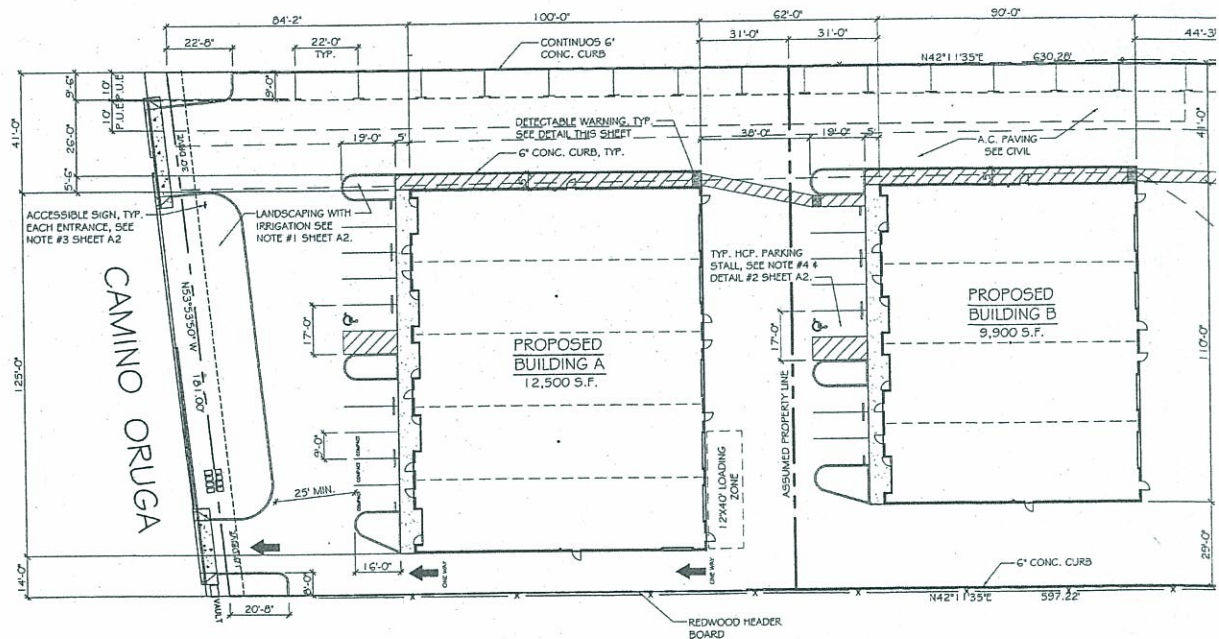
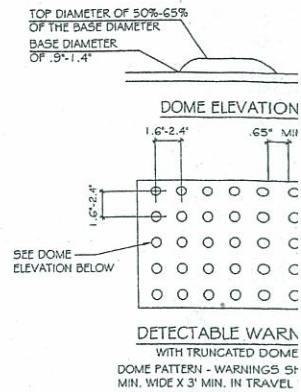
Date	5-7-07
Scale	AS NOTED
Drawn	R.J.
Job	7-4-C198
Sheet	A1
Of	Sheets



**PLAN OF TRASH ENCLOSURE**  
N.T.S.



**SECTION**  
N.T.S. A  
A1



## SITE PLAN

### DEFERRED SUBMITALS:

- FIRE SPRINKLERS -- DESIGNED TO NFPA 13 STANDARDS
- FIRE SPRINKLER ALARM SYSTEM
- STEEL ROOF TRUSSES