

# MEMORANDUM

## Community Development Department



**DATE:** December 29, 2009

**TO:** Chris Cahill, Planner

**FROM:** Greg Baer, Civil Engineer *GB*

**RE:** Napa 34 Holdings, LLC Water System Improvements

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City of American Canyon staff has reviewed the preliminary layout plans for the subject development and understands the County's concern as to the potential conflict between site required landscaping and an existing American Canyon 14" water transmission line.

The Greenwood Commerce Center will be installing a new waterline in the future Devlin Road along the project's frontage. Once installed, this line will allow for the abandonment of the existing 14" line running parallel to Highway 29 as required by Caltrans. However, there is an existing 14" line that crosses Highway 29 and ties into the existing line paralleling the highway. Therefore, a connection will need to be established between the existing line crossing the highway and the new line in Devlin Road (please see attached drawing). Per the "will-serve" letter for the Napa 34 Holdings project dated December 16, 2009, the project is required to construct water system improvements necessary to serve the proposed development. Thus, the proposed development will need to construct the requisite line parallel to Airport Boulevard to maintain the City's transmission line network.

**RECEIVED**

DEC 29 2009

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

# CITY OF AMERICAN CANYON

*Napa Valley's New Destination*



December 16, 2009

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

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DEC 29 2009

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

**SUBJECT: Request for Water Service "Will Serve" Letter  
(APN 057-210-056)**

Dear Ms. Gitelman:

The City of American Canyon ("City") has received a request from Brian Kaufman of Napa 34 Holdings, LLC (Owner) for a "Will-Serve" letter from the City. The Owner is seeking a use permit from Napa County to construct the Napa Commerce Center, eight buildings totaling 490,503 square feet on a 34-acre site located at the southwest corner of SR 29 and Airport Boulevard.

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 require 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 current request for water service for the Napa Commerce Center is based on Mr. Kaufman's submittal package received on September 22, 2009. Mr. Kaufman's "will serve" questionnaire states that the use will be industrial/warehouse (346,427 sf) and office space (144,076 sf).

Total Building Size	490,503 square feet
Total Lot acreage:	34 acres
Anticipated water demand:	10,800 gal/day (avg.)

According to the applicant's engineer, the water demand is estimated to be 318 gallons per acre, per day.

## 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 provide the level of water service requested by the applicant, subject to the occurrence or satisfaction of 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. 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").
5. 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.
6. On October 23, 2007, the City Council of the City of American Canyon adopted a Zero Water Footprint Policy (ZWF). The ZWF requires development to offset its water demand 100%. As a result of this policy, those applicants who do not meet the ZWF will be required to pay a surcharge on their monthly water rate. Because this project

monthly water service charge (based on 10,800 gpd average daily water demand) is approximately \$1,840 per month.

- b. The water capacity fee for the subject use will be \$296,946. (This fee is subject to change to coincide with current City of American Canyon water capacity fee)
  - c. Mitigation fees as outlined in the Water Supply Report.
8. This will serve letter is subject to the items and conditions of the Water Supply Report attached and hereto made a part of this "Will-Serve" agreement.
9. The City reserves the right to audit the site's water demand as deemed necessary in order to verify that the applicant's water use is in accordance with this Will-Serve Letter.

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,



Michael W. Throne  
Public Works Director

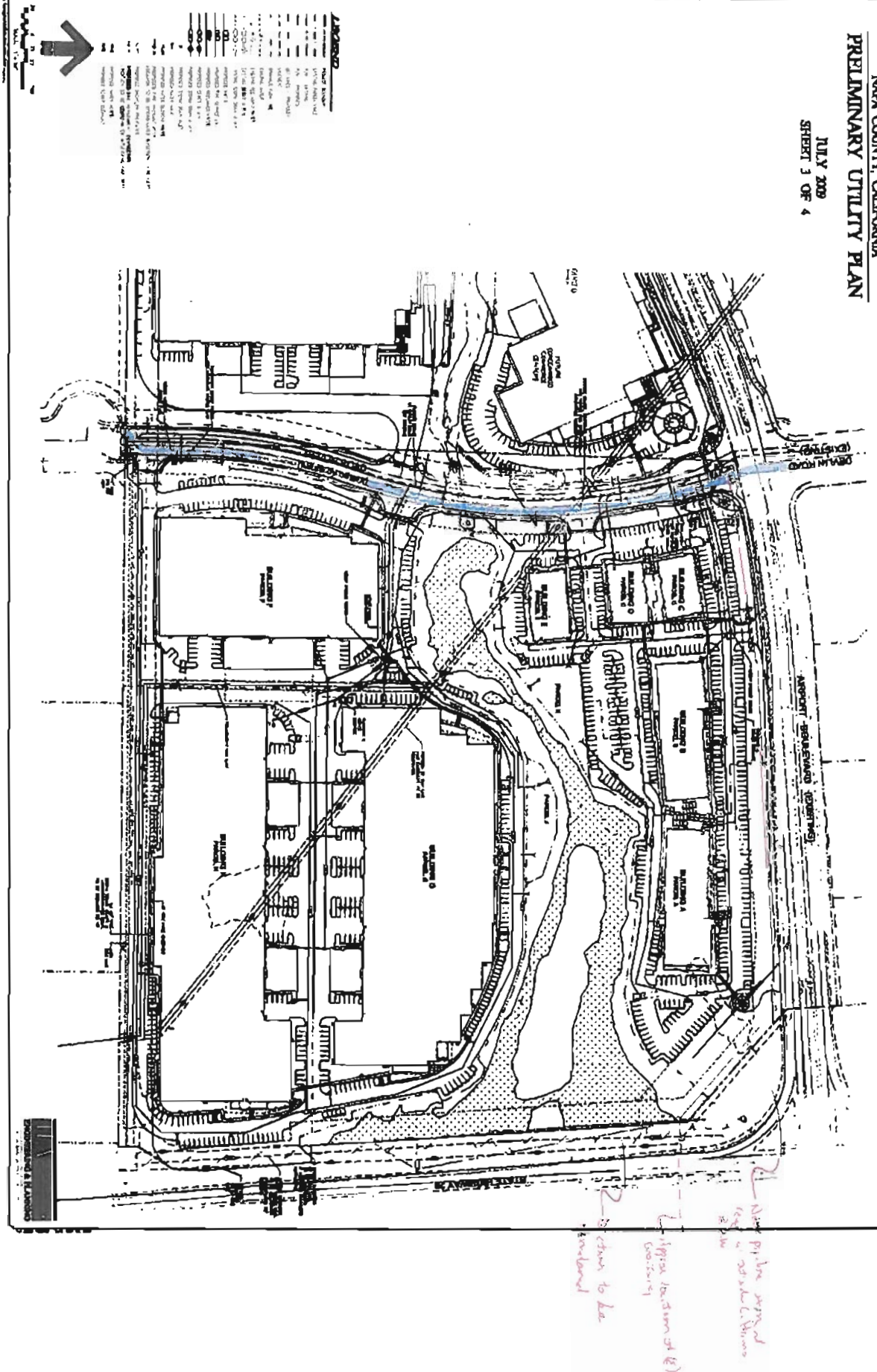
cc: Richard J. Ramirez, City Manager  
William Ross, City Attorney  
Brian Kaufman, Napa 34 Holdings, LLC  
Greg Baer, Community Development Department  
Barry Whitley, Finance Director  
Susan Presto, Finance Manager  
Christina Roybal, Finance Manager



## NAPA COUNTY, CALIFORNIA

NAPA COUNTY, CALIFORNIA

**JULY 2009**  
**SHEET 3 OF 4**





A Tradition of Stewardship  
A Commitment to Service

FILE # PO9-003294-330  
Conservation Development and Planning

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

Main: (707) 253-4417  
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Hilary Gitelman  
Director

**PERMIT APPLICATION AND INITIAL STUDY**  
**REQUEST FOR COMMENTS**

TO: Napa SAN.

APPLICATION TITLE: NAPA 34 COMMERCE CTR - APN: 057-210-056

DESCRIPTION OF PROJECT: PLAN REVISIONS - NAPA 34 COMMERCE  
CENTER - MIT NEG DEC DUE ~ 3.17.10  
POTENTIAL HEARING ~ 4.21.10.

RESPONSE REQUEST DATE: \_\_\_\_\_ RESPONSE RETURN DATE: ASAP (if any)

PLEASE RESPOND VIA E-MAIL TO: CHRIS.C@HILL @countyofnapa.org  
OR FAX TO (707) 299- \_\_\_\_\_

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

1. Do you have any comments on this project? ☐ Yes ☒ No
2. Do you have jurisdiction by law over this project? ☐ Yes ☒ No
3. Attach your agencies comments, or list below: ☐ Comments attached  
☒ Comments below.

Applicants shall meet NSD's Requirements for the project  
dated 9/1/09.

Name of contact person: ROBIN GRAMBLE HOUER

Telephone #: 258-6000 X531

Email: rgamble@napasam.com

Title: JWR Eng

Date: 4/13/10