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Department of Public Works

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## PUBLIC WORKS DEPARTMENT INTER-OFFICE MEMORANDUM

**DATE:** April 13<sup>th</sup>, 2010  
*July 6<sup>th</sup>, 2010 Revision*

**TO:** Chris Cahill, Conservation Development and Planning Department

**FROM:** Jeannette Doss, Assistant Engineer *JD*

**SUBJECT:** Napa 34 Commerce Center, APN 057-210-056, P09-00329UP and P09-00330PM

The application is a duo submittal. Applicant proposes to first create a Tentative parcel map to subdivide an existing 34 acre parcel into eleven individual lots and then construct five office buildings totaling 113,136 sq. ft. and three warehouse buildings totaling 385,335 sq. ft. The project also includes a variation to Airport Industrial Area Specific Plan (AIASP) development standards to allow direct access onto Airport Boulevard and a substandard parking ratio at proposed parcel F; a lot line adjustment to transfer 1.10 acres from the subject property to the property directly to the west; the abandonment of the existing utility easement on Aviation Way; and the preservation and enhancement of approximately 2.7 acres of delineated wetland by preserving over 5.4 acres of open space. The preservation of 5.4 acres of open space is partially a component of proposed stormwater improvements and includes the wetland swale and a surrounding 25 ft buffer. Application proposes 583 full time employees with 33 part time employees; and to construct a 740 space parking lot along with 6 loading docks.

### EXISTING CONDITIONS:

1. Napa County parcel 057-210-056 is located within the boundaries of the Airport Industrial Area Specific Plan on the south side of Airport Blvd. The parcel is situated between the intersections of Airport Blvd and Devlin Rd to the west and the intersection of Airport Blvd and Hwy 29 to the east.
2. The existing parcel is approximately 34 acres.
3. Site is currently undeveloped and exists as natural grasslands with visible surface drainage.

4. Project frontage exists along Airport Blvd. Airport Blvd. has been constructed to the full width build out with existing curb, gutter and drainage installed and accepted by Napa County.
5. Devlin road extension serving future lots has not been constructed.

#### **RECOMMENDED CONDITIONS:**

#### **GROUNDWATER**

1. The applicant has submitted a will serve letter from the City of American Canyon for water service dated December 16, 2009. No on site wells will be used to serve this parcel. No further analysis is necessary.
2. 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. This agreement and all its parts shall be effective as of July 3rd, 2008. (See Attached Exhibits E,F,G,H)

#### **PARKING:**

3. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over 5 inches of Class II Aggregate. (County Road and Street Standards, Page 27, Section 19).
4. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.
5. As discussed in the project traffic study, the following parking spaces, situated on the curves of internal drive aisles around project buildings F and H, could create internal circulation problems and shall be reserved for "employees only," which would ensure a low turnover rate and limit the in/out maneuvers adjacent to impacted drive aisle curves:
  - a) five parking spaces at the northeast corner of Building F on the entrance curve;
  - b) two parking spaces at the southeast corner of Building F on the exit curve;
  - c) five parking spaces at the northwest corner of Building H on the entrance curve; and
  - d) three parking spaces at the southeast corner on Building H on the inside curve.

#### **NEW PRIVATE ACCESS ROADS AND DRIVEWAYS:**

6. All roadway construction associated with this application shall conform to the current Road and Street Standards of Napa County at the time of permit submittal and accepted construction and inspection practices.
7. Access drives shall meet the requirements of a commercial drive and be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum two inches of asphalt concrete

surface over five inches of Class II Aggregate or equivalent. (County Road and Street Standards, Page 9, Par. 12).

8. Structural section of all drive isles shall be calculated by a licensed Civil or Geotechnical Engineer to hold a minimum H20 loading and shall conform to the procedures contained in Chapter 600 of the State of California Department of Transportation Design Manual or approved equivalent
9. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 54, Detail P-4). Outbound driveway widths shall be a minimum of 25 feet to accommodate turning movements of large trucks.
10. The applicant must obtain an encroachment permit prior to any work performed within the Napa County Right-of-Way.
11. The applicant must obtain an encroachment permit from the California Department of Transportation for any work performed within the State Right-of-Way.

#### **SITE IMPROVEMENTS:**

12. 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 this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building and/or grading permit documents at the time of building and/or grading permit application. A plan check fee will apply.
13. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of stormwater runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
14. Grading and drainage improvements shall be constructed according to the latest "Napa County Road and Street Standards" and the California Building Code. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.
15. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County Public Works Department evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.
16. The applicant shall furnish an Adobe Acrobat PDF file with a complete set of all approved improvement plans to the County Engineer.
17. At the completion of construction, and prior to the final approval by the County, the applicant shall submit an Adobe Acrobat PDF file of the improvement plans reflecting all as built conditions and signed by the engineer of record.

## AIRPORT SPECIFIC CONDITIONS

18. *Applicant will pay the applicable Napa County Airport Industrial Area Traffic Mitigation Fees prior to receiving any building permits for this project. For any requested building permit, the proportionate share of the fee will be based on the traffic generation represented by the building permit request. For example, if the applicant requests a permit for a building that would generate 10 percent of estimated project traffic, the fee required by the county would be 10 percent of the project's grand total traffic mitigation fee. The applicant should contact the Public Works office to obtain information regarding the determination of this fee.*
19. Applicant is required to dedicate to the County of Napa the required right of way for the construction of Devlin Road along the entire frontage of the parcels to be developed. Road way dedication must be a minimum of 68 feet to accommodate a 3-Lane Collector as identified in the Airport Industrial Area Specific Plan (AIASP). Additionally, the right of way may be increased as necessary to entirely contain the roadway and all cut and fill slopes that affect the stability of the designed roadway.
20. All Public Works related improvements shall conform to the latest Napa County Road and Street Standards and the latest Napa County AIASP.
21. The Developer is to construct Devlin Road per the AIASP along the entire parcel frontage from the intersection of Airport Blvd. to the Southern most boundary connecting to the existing alignment of Devlin Road. Any portion of road constructed which is eligible for "credit" against the Traffic Mitigation Fees may be applied at the time of Building permits.
22. Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards".
23. Private driveways along collectors should be separated a minimum distance of 200 feet from an intersection. The Napa County AIASP on page 120, "b. Direct Access Limitations" states that "Private driveways along collectors should be separated by a minimum distance of 200 feet and should not be permitted within 200 feet of an intersection".

## OTHER RECOMMENDATIONS:

24. A Final/Parcel Map is to be submitted to the Department of Public Works in accordance with Napa County Code Section 17.22.030. Additionally, the Final/Parcel Map shall be submitted for review and approval by the County Surveyor. The applicant is to 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 map.

25. Prior to the issuance of applicable building or grading permits the applicant must obtain all appropriate regulatory permits from the Regional Water Quality Control Board, Army Corp. of Engineers and Fish & Game.
26. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of the nearest County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.
27. The following improvements were identified in the final traffic impact analysis and shall be constructed, reviewed and approved by this office prior to occupancy of any structure:
  - a) Road widening, turn lane construction, and other improvements as described in the "Airport Boulevard/Devlin Road Intersection" section on page 21.
  - b) The existing traffic signal at Airport Boulevard/Devlin Road shall be modified to accommodate the southerly extension of Devlin Road. The "northbound right-turn overlap phase" as part of the overall signal phasing operation and as described in the "Airport Boulevard" section on page 22.
  - c) The limited access driveway on Airport Boulevard shall be designed to allow right turns in and right turns out only. Driveway design shall include installation of a taper for inbound traffic.
28. As discussed in the traffic study, this project may have significant impacts at the Soscol Ferry/Devlin Road intersection. Whether through the payment of impact fees or through some other fair-share method duly adopted at the time of any such construction, the permittee and his/her successors in interest shall contribute to the cost of signalization at the Soscol Ferry/Devlin Road intersection should the County deem it necessary to install traffic signals at that intersection at some point in the future.
29. The project shall incorporate the turn lane construction, road widening, and other improvements at and/or adjacent to the Airport Boulevard/Ca-29 intersection as required by the Department of Transportation in their letter dated March 3, 2010.
30. Applicant shall grant an easement to the Napa County Airport for the continued maintenance, and replacement activities of its outdoor advertising sign structure located on the real property (APN 057-210-056). This easement shall include the right to construct and maintain said sign as well as the right to reasonable ingress and egress as necessary to maintain and/or update such sign faces and structures.

#### **TENTATIVE/PARCEL MAP REQUIREMENTS**

31. If the project does not install the public improvements prior to submittal of the Parcel Map for approval, then the applicant shall enter into an improvement construction agreement per Napa County Code Section 17.38.

32. Structures cannot be constructed across existing recorded utility easements. Applicant must modify and record abandonment of the whole or portion of the easement over the abandoned portion of Aviation Way to ensure buildings are constructed outside of recorded utility easements.
33. Applicant must design for drainage facilities which control drainage water generated within the land division or flowing into or crossing a land division based on a storm having a frequency of one in one hundred years, and shall be based on the runoff that can be anticipated from the ultimate development of the watershed area in which the subdivision is located (Napa County Code 17.36.020).

## CONSTRUCTION STORMWATER REQUIREMENTS

34. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.
35. The site plans indicate that the construction activity will result in disturbance of greater than one acre of total land area. Therefore, the permittee will be required to obtain coverage in accordance with Napa County's General Permit for Discharges of Storm Water Associated with Construction Activity issued by the Regional Water Quality Control Board (SRWQCB). To achieve this, the permittee shall file a Notice of Intent with the SRWQCB prior to any grading or construction activity. Construction activity subject to this permit includes but is not limited to clearing, grading and disturbances to the ground such as stockpiling, or excavation.
36. The SWPPP relating to the project improvement plans shall be submitted with the building permit application. The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. A plan check fee will apply.
37. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
38. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

39. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

## POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS

40. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.
41. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume.
42. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
43. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
44. In design of retention facilities, the maximum percolation rate shall be two inches per hour.
45. For on-site common retention basins, the side slopes shall not exceed 3:1.
46. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping – Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
47. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.
48. Prior to final occupancy the property owner must legally record an "*implementation and maintenance agreement*" approved by the Public Works department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.

49. Each year the entity responsible for maintenance is required to complete an annual report. The report shall be signed by the property owner and include copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.

**Any changes in use may necessitate additional conditions for approval.**

If you have any questions regarding the above items please contact Nate Galambos or Jeannette Doss at 253-4351. For groundwater questions, please contact Anna Maria Martinez.



## EXHIBIT E

### Water Conditions To Be Imposed On All Parcels (City Customers and Outside Customers) For Which New Water Service is Requested

The City of American Canyon ("City") may impose the conditions listed below on new water services for Outside Customers by including these conditions in the "will-serve" letters that the City provides to such Outside Customers, but only if the City also imposes the same conditions on all new water services for parcels with similar uses within the City's limits. The County shall include these same conditions in all new land use development permits for parcels within the Airport Industrial Area Specific Plan area.

1. **City Capacity Fees and Conditions of Approval for Water Service.** Capacity Fees charged for parcels within the City's Water Service Area shall be established by the City and will be periodically reviewed and updated. Capacity Fees (also known as Connection Fees) will be uniform throughout the Water Service Area, regardless of whether the parcel to which the fee applies is inside or outside the City's Limits. The Capacity Fee and any conditions on new water service will be determined based on the Water Supply Report, which shall contain the analysis described in Part II.C. of Exhibit "F" of this Agreement, and which will be consistent with the City's Zero Water Footprint Policy, adopted by the City on October 23, 2007.

2. **Cost of Water Service.** The cost of new water service shall be imposed through the capacity fees in the City's Ordinance 2007-09 or through new capacity fees approved by the County and enacted in a new City ordinance. However, if the Water Supply Report finds, consistent with the City's Zero Water Footprint Policy (see Exhibit F), that the City will have to obtain additional water supplies to meet "dry year" shortfalls, then the cost of water to meet such "dry year" shortfalls will be the sole responsibility of the Applicant. In determining whether or not such "dry year" shortfalls will occur, the City shall include in the base supplies available to the City during "dry years" the new water supplies that have been or will be included in the calculations used to set the City's Capacity Fees and water rates. The City will conclude that "dry year" shortfalls will occur only if such base supplies will not be adequate to meet anticipated "dry year" demands. The City may not impose any costs on the Applicant under this section to reimburse the City for any capital or operating costs that have been or will be included in the calculations used to set the City's Capacity Fees or water rates. The City may impose the additional costs described in the preceding sentence on Outside Customers only if the City also imposes such additional costs uniformly on City Customers.

3. **Maximum Allowable Water Use.** Water received from the City for use on parcels within the Airport Industrial Area Specific Plan area and on parcels with similar uses within the City's limits shall be limited to an average of 650 gallons of water per day per acre (measured monthly), and Applicants for new or increased City water service for all such parcels shall be required to demonstrate to the City while the City is preparing the Water Supply Report for the Applicant the maximum extent to which the Applicant can further reduce its water consumption by applying the following best management practices:

- **No Flow or Low Flow Fixtures.** These Applicants shall be required to install no flow or low flow water fixtures, and to implement other reasonable water conservation measures that are described in the City's Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.
- **Drought Tolerant Landscape & Irrigation with Recycled Water.** These Applicants shall be required to use only drought tolerant landscaping, and they may only irrigate landscaped areas with recycled water, when it is available.
- **Purple Pipe.** These Applicants shall be required to dual plumb their buildings and install "purple pipe" in all landscape areas in anticipation of the availability of recycled water and shall use the recycled water when available.
- **These Applicants shall follow the water conservation methods that are described in the Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.**

The City may apply the provisions of this Paragraph 3 to Applicants for new or increased City water service for parcels within the Airport Industrial Area Specific Plan area only if the City also uniformly applies these provisions to all Applicants for new or increased City water service for parcels with similar uses within the City's limits.

4. **Water Offsets.** Applicants for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits that wish to use more than an average of 650 gallons of water per day per acre (measured monthly) shall offset the proposed water use over 650 gallons per day per acre (measured monthly) through the use of one or more options that are made available by the City to the Applicants. These options include, but are not limited to, retrofitting of existing residences with low flow fixtures, purchase of otherwise developable land as permanent open space, or acquisition of other water supply resources as provided for by a water supply analysis that follows the Zero Water Footprint Methodology described in Exhibit F. The City shall make all such options available uniformly to Applicant for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits, and that seek such offsets.

5. **Drought Restrictions.** To the extent permitted by law, the City may curtail or ration the use of water provided by the City below the limit of 650 gallons per day per acre (measured monthly) in dry years through the imposition of drought restrictions that are uniformly applied throughout the City's Water Service Area.

## EXHIBIT F

### Zero Water Footprint and Water Supply Report Methodology

#### I. PURPOSE

To implement the Zero Water Footprint Policy adopted by the City Council on October 23, 2007. In this policy, "Zero Water Footprint" is defined as:

"No loss in reliability or increase in water rates for existing water service customers due to requested increased demand for water within the City's Water Service Area."

#### II. PROCEDURES

- A) **Initial Request.** Applicants for all projects requiring additional water supplies from the City of American Canyon, either inside City limits or in the City's Water Service Area but outside of City limits, shall complete a water supply worksheet estimating average and peak use for indoor and outdoor uses and provide the completed worksheet to the City's Engineering Division.
- B) **Evaluation of Water Footprint.** The Engineering Division shall evaluate the water footprint of the project, using the water supply worksheet provided by the Applicant, to determine whether a Water Supply Report is required. A Water Supply Report will not be required if the project meets the adopted Zero Water Footprint definition. This can be accomplished by projects with no additional water demand or by projects which offset increased water demand by off-site conservation measures.
- C) **Water Supply Report.** A Water Supply Report shall be prepared for all projects that do not meet the adopted Zero Water Footprint definition. The Water Supply Report shall be prepared by the City of American Canyon at the cost of the project applicant. The Water Supply Report shall be substantially in the form of the report approved in the City's Resolution No. 2008-02, or in a new form approved by the County and approved by the City in a new resolution and shall include the following analysis:
  - 1) Water service request
    - a) Description of project
    - b) Water service request
      - (i) Average Daily Demand
      - (ii) Peak Day Demand
    - c) Conservation Measures Included in Project
  - 2) Consistency
    - a) Urban Water Management Plan
    - b) Recycled Water Facilities Plan
    - c) Water Conservation Implementation Guidelines
  - 3) Water footprint
    - a) Zero Water Footprint Definition
    - b) Project's impact on reliability
    - c) Project's impact on rates

- d) Project's water footprint
- 4) Project's contribution
  - a) Capacity fee
  - b) Reimbursable improvements
- 5) Capital program status
  - a) Summary
  - b) System planning status
  - c) Water supply
    - (i) Water supply implementation status
    - (ii) Water supply alternatives
  - d) Water treatment
    - (i) Water treatment implementation status
    - (ii) Water treatment alternatives
  - e) Water storage, transmission, and distribution status
  - f) Water capital program financial status
- 6) Vineyards analysis
  - a) Vineyards decision
  - b) Facts with respect to solutions to water supply problems
  - c) Water supply over the life of the project
  - d) Impacts of likely future water sources
  - e) Possible replacement sources and their impacts
- 7) Recommended mitigations
  - a) Long term water mitigations
  - b) Short term water mitigations
- 8) Opportunities to reduce project's water footprint
  - a) On-site conservation opportunities
  - b) Off-site conservation opportunities

**D) Applicant Review of Water Supply Report.** The Water Supply Report, once approved by the City, will be furnished to the project applicant. If the applicant elects to revise the project to reduce the water footprint, the Water Supply Report may be revised at the applicant's cost.

**E) Water Will Serve Letter.** Water will-serve letters are required for projects outside of the Napa Valley Gateway project limits that are requesting increased water services from the City. The Napa Valley Gateway project is subject to the terms and conditions of a will-serve letter for the entire project agreed upon between the City of American Canyon and Charles Slutzkin of Napa Valley Gateway Limited in a will-serve letter agreement dated December 13, 2002. So long as the terms and conditions of that will-serve letter agreement are complied with, developments of parcels within the Napa Valley Gateway project limits will not require any Water Supply Report or additional will-serve letters.

## EXHIBIT G

### Appeal Procedure: Zero Water Footprint Methodology

1. **Grounds for Appeal- Conditions of Approval.** If the water service application is for a parcel outside the City's limits, then the City shall, within 30 days of receipt of such application, provide to the Applicant and the County any conditions of approval that the City proposes to impose on the parcel at least 90 days before imposing the conditions of approval.

Conditions of approval that result from the Water Supply Report and that the City proposes to include in a water service will-serve letter that will be issued by the City for a parcel outside of the City's limits may be appealed by an Applicant under the process described in Section 3 below.

2. **Exceptions:** An appeal may not challenge water rates imposed by the City that are consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172, and the City's Ordinance 2007-13. An appeal also may not challenge Capacity Fees that are set pursuant to the City's Ordinance 2007-09, or new capacity fees approved by the County and enacted in a new City ordinance.

3. **Appeal Process and Appeal Panel.** An appeal of water service conditions of approval that the City proposes for a parcel outside the City's limits may be filed within ninety (90) days after the proposed conditions are forwarded to the Applicant and the County for inclusion in a development permit. The appeal will be heard by the panel described in the following paragraph, and this panel will determine whether any of the conditions under appeal is inconsistent with any provision of this Agreement.

The Appeal Panel will be made up of one member selected by the County Executive Officer, one member selected by the City Manager and one member selected by the two appointed members. If the two appointed members cannot agree on the third member, the name of each candidate shall be placed in a hat to be drawn for selection. The decision of the Appeal Panel will be final, but subject to judicial review pursuant to Code of Civil Procedure section 1094.5. The reasonable cost of the Appeal Panel shall be borne by the Applicant.

## EXHIBIT H

### City's Water Service Area

