

# EXHIBIT A

**COUNTY OF NAPA**  
**CONSERVATION, DEVELOPMENT, AND PLANNING DEPARTMENT**  
**1195 3<sup>rd</sup> Street, Suite 210**  
**Napa, Calif. 94559**  
**707.253.4417**

**Notice of Intent to Adopt a Revised Mitigated Negative Declaration <sup>1</sup>**

1. **Project Title:** Napa 34 Holdings Commerce Center Use Permit and Variation to Development Standards Application № P09-00329-UP and Tentative Parcel Map and Lot Line Adjustment Application № P09-00330-TPM.
2. **Property Owner:** Napa 34 Holdings, LLC (Brian Kaufman, Member)
3. **Contact person and phone number:** Christopher M. Cahill, Project Planner, (707) 253.4847, [ccahill@co.napa.ca.us](mailto:ccahill@co.napa.ca.us)
4. **Project location and APN:** The project is located in the Napa Airport Industrial Area on a 33.9 acre parcel located at the southwest corner of the intersection of State Route 29 and Airport Boulevard, within an IP:AC (Industrial Park: Airport Compatibility Zone D) zoning district. (Assessor's Parcel №: 057-210-056). No Current Address, the Napa-Vallejo Highway, Napa, Calif. 94558
5. **Project Sponsor's Name and Address:** Brad Shirhall, TLA Engineering and Planning, 1528 Eureka Rd., Ste. 100, Roseville, Calif. 95661, (916) 786.0685, [bshirhall@tla-inc.com](mailto:bshirhall@tla-inc.com)
6. **Hazardous Waste Sites:** This project site is not on any of the lists of hazardous waste sites enumerated under Government Code §65962.5.
7. **Project Description:**

Approval of a Use Permit to allow the construction and operation of an industrial park totaling approximately 490,500 square feet of new development in eight buildings, including: 1.) two +/- 41,700 square foot two-story office buildings; 2.) two +/- 7,600 square foot single-story office buildings with ancillary warehouse space; 3.) one +/- 8,800 square foot single-story office building with ancillary warehouse space; and 4.) +/- 152,600 square foot, +/- 148,800 square foot, and +/- 81,600 square foot single-story warehouse/distribution buildings with ancillary office space. Approximately 73% percent (or +/- 356,000 square feet) of the total development floor area would be dedicated to warehousing uses, while the remaining 27% (or +/- 134,500 square feet) would be utilized as office space. Access would be provided from three new driveways located off of an extension of Devlin Road, located south of the existing Devlin Road/Airport Boulevard intersection, and a single right-in right-out driveway off of Airport Boulevard. Roadway improvements, including road construction at Devlin Road and road widening at Airport Boulevard are also proposed. Parking for 740 vehicles is to be provided on-site, along with six loading docks. Approximately 3 acres of existing wetlands will be preserved and enhanced, partially as a component of proposed stormwater improvements. The project would connect to the City of American Canyon municipal water system and sewer service would be provided by the Napa Sanitation District, subsequent to annexation into the District. In addition, the following approvals are requested:

  - Lot Line Adjustment to transfer 1.10 acres from the subject property (currently APN 057-210-056) to the property directly to the west (currently APN 057-210-055) to relocate the shared property line to the centerline of the extension of Devlin Road.
  - Tentative Parcel Map to allow the creation of eight industrial parcels ranging in size from 0.60 to 7.18 acres and three wetland/drainage parcels ranging in size from 0.23 to 5.35 acres. Dedication of the Devlin

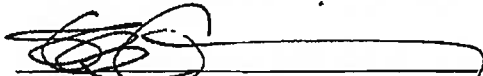
<sup>1</sup> The initial project mitigated negative declaration was circulated for public review on March 22, 2010. Based on comments received during the initial comment period, the County of Napa determined that revisions to and recirculation of the document were necessary. Revisions are indicated using redline text and strikethrough throughout the document. Based on those revisions and the additional mitigation measures incorporated into the project and addressed in this recirculated document, the Planning Director finds that, as mitigated, the project would not have a significant effect on the environment.

Road right-of-way is also proposed, as is the reduction of an existing utility easement at the abandoned Aviation Way right-of-way from 60' to 15' in width.

- Use Permit Variation to Airport Industrial Area Specific Plan standards to allow: 1.) driveway access onto Airport Boulevard where such access is generally not allowed and 2.) a substandard parking ratio at proposed parcel F (88 required, 78 proposed).

**PRELIMINARY DETERMINATION:**

The Conservation, Development, and Planning Director of Napa County has tentatively determined that the following project would not have a significant effect on the environment as mitigated herein and the County intends to adopt the revised mitigated negative declaration. Documentation supporting this determination is contained in or referenced by the attached Initial Study Checklist and is available for inspection at the Napa County Conservation, Development, and Planning Department Office, 1195 Third St., S<sup>o</sup> 210, Napa, Calif. 94559, between the hours of 8:00 AM and 4:45 PM Monday through Friday (excepting holidays).



BY: Christopher M. Cahill

Planner

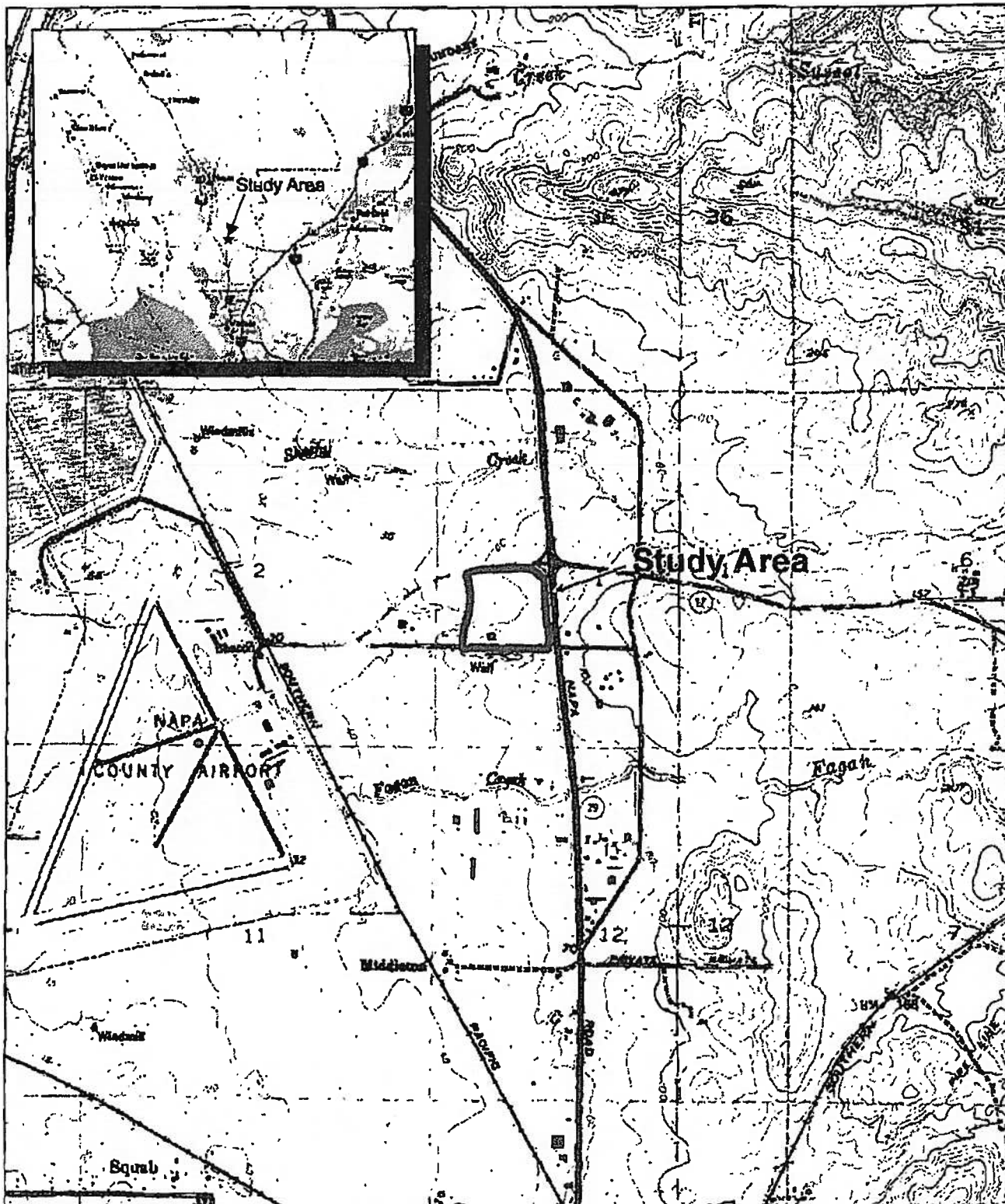
Napa County Conservation, Development, & Planning

June 18, 2010

Date

**WRITTEN COMMENT PERIOD: June 21, 2010 through July 20, 2010**

*Please send written comments to the attention of Chris Cahill at 1195 Third St., Suite 210, Napa, Calif. 94559, or via e-mail to [chris.cahill@countyofnapa.org](mailto:chris.cahill@countyofnapa.org). A public hearing on this project is tentatively scheduled for the Napa County Conservation, Development, and Planning Commission at 9:00 AM or later on Wednesday, July 21, 2010. You may confirm the date and time of the hearing by calling (707) 253.4417.*



NOTES  
 Base map: Cuttings View, CA, USGS  
 7.5 minute topographic quadrangle  
 Section: 1  
 Township: 04N  
 Range: 04W

**Site & Vicinity**  
**Napa Commerce Center**  
**Napa County, California**



Study Area

Alameda

Hess

N

0 250 500

Scale in Feet

NOTES:  
Aerial Photo Date, July 2007

**Aerial Photo Map**  
**Napa Commerce Center**  
**Napa County, California**

MARCH 2010  
SHEET 1 OF 4



**SHEET INDEX**

SHEET 1	LET FOOT
SHEET 2	TRADING MAP
SHEET 3	PERMANENT LIGHT PLAN
SHEET 4	PERMANENT CHAINS & POWERED PLAN

[illegible]

BUILDING STRATEGIES		
FOR NEWER E&E	RECYCLED	3% WASTE
	RECYCLED	11% WASTE
FOR POLA B&B	RECYCLED	3% WASTE
	RECYCLED	11% WASTE
FOR B&B	RECYCLED	3% WASTE
	RECYCLED	11% WASTE
FOR B&B	RECYCLED	3% WASTE
	RECYCLED	11% WASTE

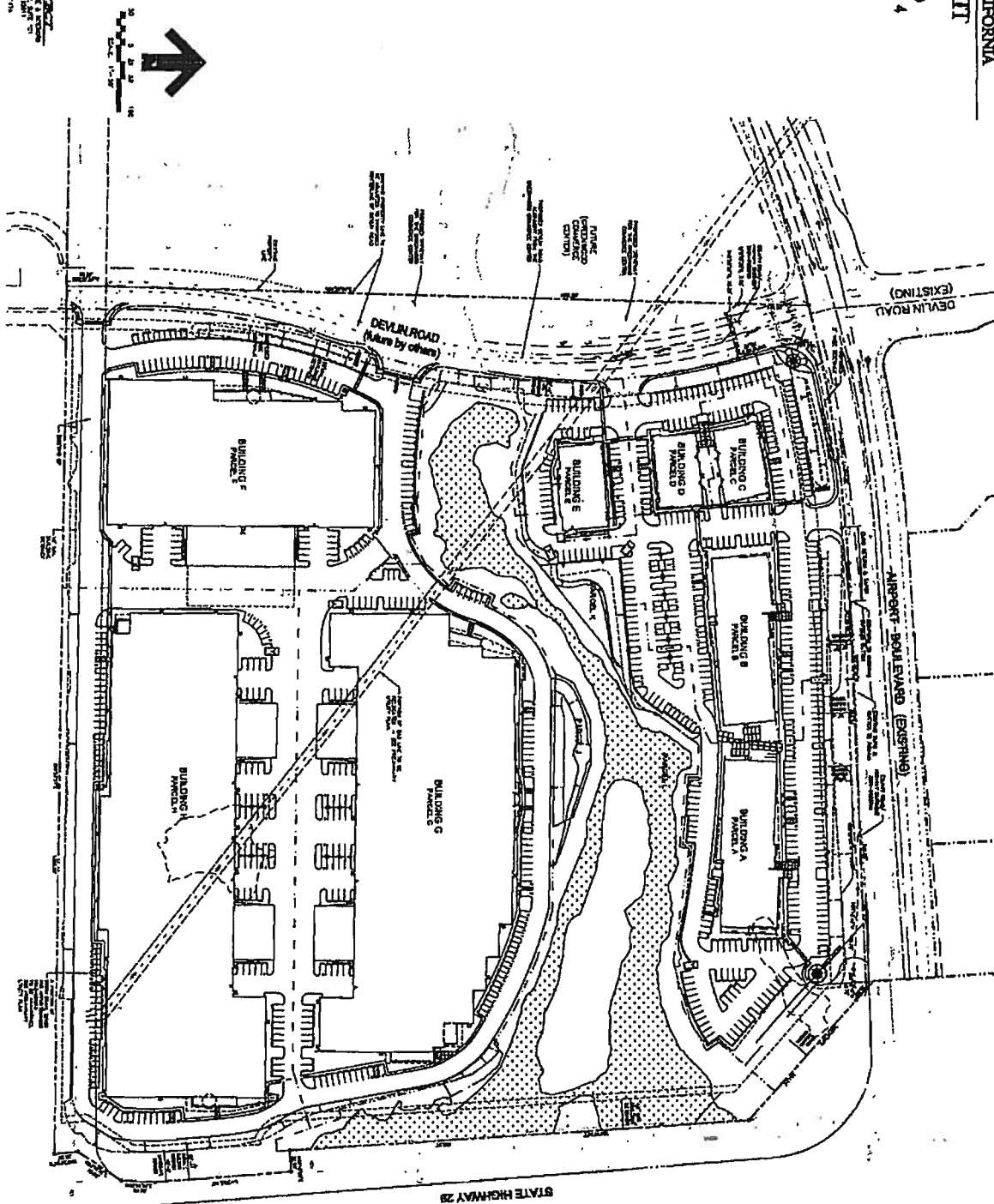
PROPOSED LINES

**PARKING STAMP**  
 (If applicable, add fee or tax)

**CHENIER / DEVEAUX**  
420 Main Avenue  
107 East 10th Ave  
Boulder, CO 80501  
303/440-4622  
Per 0119 000-0000

**ARCHITECT**  
 DAN ADORFMAN & ASSOCIATES  
 1715 2ND STREET, SUITE 201  
 BIRMINGHAM, AL 35203  
 (205) 444-1444  
 FAX (205) 444-0716

**LANDSCAPE ARCHITECTS**  
INC. EDWARDS  
10754 PALMS LANE  
10754 PALMS LANE, SUITE A  
PALMS SPRINGS, CA 91709  
PH. 951-336-1246  
FAX 951-336-1046



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**Revised Initial Study Checklist**

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Brad Shirhall, TLA Engineering and Planning, 1528 Eureka Rd., Ste. 100, Roseville, Calif. 95661, (916) 786.0685, [bshirhall@tla-inc.com](mailto:bshirhall@tla-inc.com)
6. **General Plan Description**  
I (Industrial)
7. **Current Zoning**  
IP:AC (Industrial Park: Airport Compatibility Zone D)
8. **Project Description**  
Approval of a Use Permit to allow the construction and operation of an industrial park totaling approximately 490,500 square feet of new development in eight buildings, including: 1.) two +/- 41,700 square foot two-story office buildings; 2.) two +/- 7,600 square foot single-story office buildings with ancillary warehouse space; 3.) one +/- 8,800 square foot single-story office building with ancillary warehouse space; and 4.) +/- 152,600 square foot, +/- 148,800 square foot, and +/- 81,600 square foot single-story warehouse/distribution buildings with ancillary office space. Approximately 73% percent (or +/- 356,000 square feet) of the total development floor area would be dedicated to warehousing uses, while the remaining 27% (or +/- 134,500 square feet) would be utilized as office space. Access would be provided from three new driveways located off of an extension of Devlin Road, located south of the existing Devlin Road/Airport Boulevard intersection, and a single right-in right-out driveway off of Airport Boulevard. Roadway improvements, including road construction at Devlin Road and road widening at Airport Boulevard are also proposed. Parking for 740 vehicles is to be provided on-site, along with six loading docks. Approximately 3 acres of existing wetlands will be preserved and enhanced, partially as a component of proposed stormwater improvements. The project would connect to the City of American Canyon municipal water



system and sewer service would be provided by the Napa Sanitation District, subsequent to annexation into the District. In addition, the following approvals are requested:

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- Use Permit Variation to Airport Industrial Area Specific Plan standards to allow: 1.) driveway access onto Airport Boulevard where such access is generally not allowed and 2.) a substandard parking ratio at proposed parcel F (88 required, 78 proposed).

**9. Environmental Setting and Surrounding Land Uses:**

The 33.9 acre subject parcel is located in southern Napa County, roughly equidistant from the southern boundary of the City of Napa and the northern boundary of the City of American Canyon, in a portion of the unincorporated County which is given over primarily to industrial or transportation uses or undeveloped properties which are intended for such development in the short- to mid-range future. The property is within the boundaries of the Napa Airport Industrial Park and is additionally subject to the County's 1986 Airport Industrial Area Specific Plan and the 1991 Airport Land Use Compatibility Plan. The Napa County Airport, a three runway facility with an FAA-manned air traffic control tower, is located slightly more than ½ mile to the west. While the Airport is primarily a general aviation facility serving corporate and recreational users, it is also a significant flight training hub. According to the Airport Land Use Compatibility Plan, nearly 50% of all airport operations are generated by the large JAL pilot training center which has been located at the Airport since 1971. The project site is located within Airport Land Use Compatibility Zone D, inside the Common Traffic Pattern. This is an area of frequent aircraft overflight at low elevations.

Rail freight transportation to the area is provided by the Southern Pacific Railroad. At Napa Junction, a major rail switching point connects three existing lines. A main line serving Napa County and the Napa Valley Wine Train connects with the Airport and then runs parallel with State Route 29 (CA-29) north to St. Helena. Sidings connect this line with existing industrial development within both the Napa County and City of Napa industrial parks and with the Napa Pipe and Syar Materials properties on the east bank of the Napa River just north of the CA-29 "Southern Crossing." A second line crosses the Specific Plan area just south of the Airport and runs west into Sonoma County, where it connects with the Northwestern Pacific Railroad and the planned SMART (Sonoma Marin Area Rail Transit) passenger rail system. A third line runs east into Solano County. The nearest rail line to the project site is located approximately ½ mile to the west, at the eastern boundary of the Napa County Airport.

Regional roadway access to the property is provided by CA-29, which is the main north-south arterial in Napa County. State Route 29 abuts the project site along its eastern side. East-west access, connecting to U.S. Route 101 to the west and Interstates 80 and 680 to the east, is provided by State Route 12 (CA-12). CA-12 is coterminous with CA-29 to the north of the project site, but makes a 90 degree turn to the east and separates from the generally north-south running CA-29 at the subject parcel's northeastern corner. The CA-12/ CA-29 intersection is currently at-grade and stoplight controlled, with uncontrolled right turn merge lanes at all corners save the right-hand turn from northbound CA-29 onto eastbound S.R. 12 (Jameson Canyon Road). Significant roadway improvements at the 12/29 intersection are envisioned in the County's Airport Industrial Area Specific Plan and are currently being designed by the California Department of Transportation. While design details are not available at this time, it is presumed that in the medium term the intersection will be replaced with a grade-separated interchange; most likely of a "tight diamond" design.



Local roadway access to and from the site is provided by Airport Boulevard, which is currently a four-lane arterial parkway with a raised landscaped median with openings and left-turn pockets at public road intersections, connecting the 12/29 intersection with the Napa County Airport to the west. According to the Airport Industrial Area Specific Plan;

*No direct access to local properties should be permitted from Airport Road (sic, Boulevard). These properties should be accessed from new collector streets which intersect with Airport Road (sic, again Boulevard).*

Additional local roadway access, and primary site access, is to be provided by Devlin Road. Devlin Road is a partially-constructed north-south road, designated as a "collector" in the Specific Plan. Devlin is in place and four lanes wide to the north of Airport Boulevard and will be extended to the south as far as the subject property's southern boundary as part of this project and/or the approved but as-of-yet unbuilt Greenwood Commerce Center project, to the west.

Historically, the subject property was part of the 437 acre Gunn/Greenwood Ranch. The 1880 vintage Italianate Gunn/Greenwood residence is located just northwest of the project site, having been relocated from its original position (to the east, on what is now the Doctors Company property) in 1990. The subject property itself would have been used as pasture or grazing land during the tenure of the Greenwoods and their heirs. Archival research indicates that a large structure, in all likelihood a barn, was constructed on the property sometime between 1927 and 1949. That building was destroyed or otherwise removed by the mid 1980's and the structural development currently existing on the site is limited to a large roadside sign advertising the Napa County Airport, which is located near CA-29. Remnants of Aviation Way, the main Airport access road prior to the construction of Airport Boulevard, remain at the southern edge of the parcel and are proposed to be removed as part of this project.

The subject property is relatively flat, with a slight gradient running primarily east to west as the land at the lower reaches of the Vaca Mountains, to the east, rolls down to the expansive baylands at the mouth of the Napa River, to the west and southwest. Elevations on the parcel range from approximately 80 feet above mean sea level down to approximately 48 feet. An unnamed seasonal drainage runs east to west across the center of the property and ultimately drains into Sheehy Creek approximately 1 mile to the northwest of the project site. A formal wetland delineation has been undertaken on the property, and 3.19 acres of the site, including the drainage and scattered locations elsewhere on the site, have been determined to be jurisdictional wetlands by the United States Army Corps of Engineers (USACE). It has been argued, though County staff has seen no conclusive evidence one way or the other, that the seasonal drainage is at least partly the result of a leaking City of American Canyon 14" water main located at the parcel's eastern property line.

Based on Napa County environmental resource mapping (*Soil Type* layer), the *Soil Survey of Napa County, California* (G. Lambert and J. Kashiwagi, Soil Conservation Service), and the *Flatland Deposits of the San Francisco Bay Region, California- Their Geology and Engineering Properties and Their Importance to Comprehensive Planning* (E. Helley, K. Lajoie, W. Spangle, and M. Blair, U.S. Geological Survey) the subject parcel includes soil classified as Haire Loam (2 to 9 percent slopes) and Fagan Clay Loam (5 to 15 percent slopes). The geology of the site is late Pleistocene alluvium, with overlaying younger fluvial and basin deposits. Late Pleistocene alluvium is weakly consolidated, slightly weathered, poorly sorted, irregularly inbedded clay, silt, sand, and gravel. There is often a clay pan present in Haire soils of the type located on the site, which can support vernal pool development. Haire soils of the type located on the subject property are often used for grazing land; runoff is slow to medium and the chance of erosion is slight. Fagan soils are likewise generally used for range and pasture; runoff is medium and the threat of erosion is moderate.

Setting the existing Airport sign and abandoned Aviation Way to the side, the project area is currently undeveloped. According to the submitted biological survey *Biological Resources Assessment for the +/- 34 acre Napa*

*Commerce Center Study Area* (North Fork Associates), the study area is primarily open ruderal grassland dominated by introduced grasses and forbs. Very few native species occur in the study area, and many of those that do are adapted to disturbance and often considered weedy. A mature linear stand of Coast live oak exists along the southern property boundary, primarily running parallel to the abandoned right-of-way. There is also a cluster of mature Blue Gum Eucalyptus trees located at the property's southwest corner

There are a variety of land uses surrounding the project site. In general, the vicinity is a developing urban area focused on industrial development. To date, most of the surrounding industrial development has been related to and generally in service of the wine industry. Specifically, to the northwest of the site are existing office/light industrial buildings and the historic Gunn/Greenwood residence. North of the site is the Gateway hotel and retail complex, including a completed hotel and a number of other, yet to be constructed, facilities including a gasoline station. West of the project site is the approved, but as of yet unbuilt, Greenwood Commerce Center industrial park. Highway 29 and the 12/29 interchange are located to the east of the project area, with vacant land and the Doctors Company headquarters located on the far side of the highway. The large Franzia bottling plant is located southwest of the project area and to the south are a number of wetlands created as mitigation for wetland fill which has occurred elsewhere in the Airport Industrial Area.

10. **Other agencies whose approval is required:** (e.g., permits, financing approval, or participation agreement).

Discretionary approvals required of Napa County consist of a use permit, a tentative parcel map, and use permit variations to Airport Industrial Area Specific Plan development standards. Reduction of an existing utility easement from 60 feet in width to 15 feet is also requested. The project as analyzed herein also includes ministerial County approvals including, but not necessarily limited to, building, encroachment, and grading permits and a lot line adjustment. Permits to connect to water and sewer utilities are required from the City of American Canyon and the Napa Sanitation District. A Storm Water Pollution Prevention Plan (SWPPP) is required to meet San Francisco Bay Regional Water Quality Control Board standards and Napa County post-construction standards, both which are administered by the Napa County Department of Public Works. A permit from the U.S. Army Corps of Engineers and written notification to the California Department of Fish and Game will also be required to fill and/or alter on-site wetlands.

**Responsible and Trustee Agencies:**

San Francisco Bay Regional Water Quality Control Board  
City of American Canyon  
Napa Sanitation District  
Department Fish and Game  
CalTrans  
U.S. Army Corps of Engineers  
U.S. Fish and Wildlife Service  
Napa County Airport Land Use Commission

**Other Agencies Contacted:**

City of Napa  
Napa County Sheriff  
Calif. Highway Patrol

## ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions developed in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the Napa County Baseline Data Report, specific documents referenced herein, other sources of information included or referenced in the record file, comments received, conversations with knowledgeable individuals, the preparer's personal knowledge of the area, and visits to the site and surrounding areas. For further information, please see the permanent record file on this project, available for review at the offices of the Napa County Department of Conservation, Development, and Planning, 1195 Third Street, Napa, Calif.

### On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



BY: Christopher M. Cahill  
Planner

Napa County Conservation, Development, & Planning

June 18, 2010

\_\_\_\_\_  
Date

## Environmental Checklist Form

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS. Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion:

- a. The project is not prominently located within or near any known scenic vista. Views to the site are primarily from adjacent state highways and local roadways, though distant views also exist from ridgetop and other up-slope locations along the lower run of the Vaca Mountains and along much of the Mayacamas ridgeline. Because the proposed development is consistent with the long-planned industrial development surrounding the Napa County Airport, and with other existing industrial development in the vicinity, it would not have a substantial adverse impact on any known scenic vista.
- b. The project proposes the removal of 46 mature Coast live oak trees and 4 mature Blue Gum Eucalyptus; there are no rock outcroppings and no historic buildings (in fact, there are no buildings of any description) located on-site. The site is not in or near any scenic highway and as a result, there will be no impacts associated with scenic highways.
- c. The project is located within a developing portion of the Napa Airport Industrial Area, a zone of mixed industrial development controlled by the County's Airport Industrial Area Specific Plan (AIASP). The proposed development includes eight buildings. The northernmost five buildings will be a mix of one and two story office structures fronting on Airport Boulevard and an extended Devlin Road. To the south, three warehouse buildings are proposed. The warehouses would be oriented towards the center of the site with upgraded elevations facing CA-29 and the Devlin Road extension. According to submitted materials, all buildings would primarily be constructed of site cast tilt-up concrete panels. The most publically visible or otherwise prominent portions of the buildings would incorporate design elements intended to create architectural diversity and interest; these include: stone veneer, metal siding, aluminum accent panels, tinted glass in aluminum frames, architectural light shelves, painted steel architectural elements, and exposed stain-grade architectural glu-lam beams supporting standing seam metal roofs. Perceived building heights (as measured from finished grade to the top of proposed parapet walls) would range from approximately 20 to 38 feet, and building footprints would range from approximately 8,000 to approximately 160,000 square feet. This proposed mix of heights and sizes will substantially differentiate building massing across the site and break up the monotonous development pattern which might otherwise be created by a development of this scale.

Required building setback and reserved landscape areas along street frontage generally meet or exceed the requirements of the AIASP; 35' minimum landscape setbacks are proposed along the Devlin Road extension and adjacent to Airport Boulevard. At the request of Planning staff, the applicant has proposed additional landscape and/or wetland open space areas along the CA-29 frontage. Landscape and/or wetland area generally extend 60 or more feet from the property line adjacent to Highway 29, significantly exceeding the required 45 foot minimum.

Submitted plans initially depicted a 32 foot tall metal and plastic wine glass along with wall signage at the property's northeast corner and a 10 foot tall stack of faux wine barrels at the property's northwest corner. Planning staff has indicated to the applicant that these proposed representational elements likely constitute signage in conflict with AIASP language restricting signage height and design. In response, the applicants have agreed to label the signage as simply illustrative of potential future signage or public art installations, which will be subject to County review at a later date. As this change was incorporated into the project prior to the completion of this document, any issues related to the impact of this signage on site aesthetics or visual character is now moot until such time as a final design is presented for County review and approval.

When seen as a whole, the project's site planning and architectural design can be comfortably labeled equivalent to (or in some cases better than) other industrial projects approved and constructed within the Airport Industrial Area. Impacts related to the visual character or quality of the site and its surroundings are expected to be less than significant.

- d. Given the expanse of new buildings, parking, and outdoor utility areas proposed in this application, the project will of necessity result in increased nighttime light and/or glare. The project area is routinely overflown by low flying aircraft, necessitating stringent controls on nighttime uplighting. However, standard conditions of approval designed to limit light and glare in the vicinity of the Napa County Airport will ensure that any impacts related to nighttime lighting are less than significant. In accordance with County standards, all exterior lighting must be the minimum necessary for operational and security needs. Light fixtures will be kept as low to the ground as possible and must include shielding to deflect light downwards. Standard conditions of approval require that highly reflective surfaces be minimized or avoided altogether and no light will be allowed to shine skyward. As designed, and as required by standard conditions of approval, the project will not have a significant impacts associated with light or glare.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>II. AGRICULTURE RESOURCES. Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a.-c. Based on a review of Napa County environmental resource mapping (*Department of Conservation Farmlands 2006*), no portion of the subject property is located on mapped farmland of state or local importance. The project site is not subject to a Williamson Act contract, nor is it known to have ever been subject to the same or similar. The property is located within a developing industrial park and has been zoned and general plan designated for industrial development for more than 20 years. To the extent that the provision of adequate industrial space occurs within non-prime non-agriculturally designated areas such as the subject property, pressure to develop the County's valuable existing agricultural resources is reduced. No impact on prime farmland, unique farmland, farmland of statewide importance, or any other conversion of existing farmland to non-agricultural use would directly result from this project and none is foreseeable.

**Mitigation Measures:** None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a.-b. The proposed project has the potential to violate construction-phase air quality standards and plans as adopted by the Bay Area Air Quality Management District. ~~would not conflict with or obstruct the implementation of any applicable air quality plan.~~ The project site lies at the southern end of the Napa Valley, which forms one of the

climatologically distinct sub regions (Napa County Sub region) within the San Francisco Bay Area Air Basin. The topographical and meteorological features of the Valley create a relatively high potential for air pollution. In the short term, potential air quality impacts are most likely to result from construction activities. Construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings. As modeled by atmospheric scientist James Clark, Ph.D., construction-phase emissions of ROG and NOx from this project would be 507.3 lbs/day and 91 lbs/day, respectively. These volumes are in excess of both the 1999 and 2010 Bay Area Air Quality Management District (BAAQMD) thresholds of significance, which are 80 lbs/day and 54 lbs/day, respectively<sup>2</sup>. The BAAQMD recommends incorporating feasible control measures as a means of addressing those impacts in their current CEQA Guidelines (CEQA Guidelines – Assessing the Air Quality Impacts of Projects and Plans, BAAQMD, December 1999). If the proposed project adheres to these measures, then BAAQMD recommends concluding that construction-related impacts will be less than significant. Relevant best practices are set forth at Table 2 of the 1999 Guidelines and at Table 8-2 of the final draft May 2010 BAAQMD CEQA Guidelines<sup>3</sup> and have been incorporated below as mitigation measures.

An additional mitigation measure, recommended by Dr. Clark and agreed to by the applicant, requires the use of alternative fuel construction equipment. "According to the California Air Resources Board (CARB), alternative fuels can reduce particulate matter emissions by up to 50% and nitrogen oxides (NOx) by up to 15%." (Review of Supplemental Mitigation, Napa 34 Holdings Project, Napa County, California, James Clark, PhD and Matt Hagemann, June 2, 2010)

Modeling conducted by the author and by Dr. Clark (see attached URBEMIS results) concludes that Napa 34 Commerce Center's pollutant emissions during the operational –phase, which is to say, once the proposed buildings are completed and operating, will be below both the BAAQMD's 1999 and 2010 thresholds of significance (for reference, please see Criteria Pollutants at "c.", below.) As a result, operational air emissions will have a less than significant effect with regard to air quality plans or quality standards.

As mitigated through a combination of BAAQMD recommended best practices and an additional mitigation measure requiring the use of alternative fuel construction equipment incorporated into the project, construction-related impacts will likewise be less than significant.

b. ~~Please see "a.", above, and "c." below. There are no projected or existing air quality violations in the area to which this proposal would contribute. The project would not result in any violations of applicable air quality standards.~~

c. ~~Please see "a.", above regarding particulate and other construction related emissions. Standard conditions of approval for all construction projects require the following standard dust control measures;~~

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 during windy periods.

Please see "a.-b.", above regarding particulate and other construction-related emissions; and construction emissions are discussed in some detail at those sections and mitigation measures addressing construction-related impacts are incorporated thereby.

<sup>2</sup> Because the initial project mitigated negative declaration was drafted prior to the June 2, 2010 adoption of the updated 2010 BAAQMD CEQA Guidelines, project impacts have been considered against both the 1999 standards operative at original circulation and the new 2010 BAAQMD standards throughout the Air Quality section.

<sup>3</sup> Final 2010 Guidelines had not been published as of the date of this document.



Greenhouse Gasses and Criteria Pollutants are addressed separately below. The proposed project will not result in a cumulatively considerable net increase in any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. It will likewise not result in an individually significant or cumulatively considerable emission of climate-changing greenhouse gasses.

#### Criteria Pollutants

Thresholds of significance for the emission of criteria pollutants, including reactive organic gas (ROG), nitrogen oxide (NOx), and ten-micron particulate matter (PM10), are incorporated into both the BAAQMD's 1999 CEQA Guidelines and the recently adopted 2010 BAAQMD CEQA Guidelines. For ongoing operations, encompassing a combination of fixed-sources (such as material off-gassing and structural climate control systems) and mobile-sources (primarily consisting of vehicle trips to and from the site), relevant thresholds of significance for criteria pollutants are established at Table 3 of the 1999 *Guidelines*. If project emissions do not exceed the established thresholds, they are deemed not to significantly impact air quality either individually or cumulatively and require no further study. The operational emissions associated with this project were modeled using URBEMIS air quality management software (*Napa 34 Commerce Center Project*, March 3, 2010, URBEMIS 2007 Version 9.2.4) and are compared to relevant air quality thresholds of significance below. Additional URBEMIS modeling was completed by Dr. James Clark as a component of his April 2010 analysis (*Comments on the Proposed Napa 34 Holdings Project, Napa County, California*, James Clark, PhD and Matt Hagemann, April 20, 2010). Complete URBEMIS modeling results from both staff's analysis and Dr. Clark's analysis are attached.

##### ROG

Threshold of significance (1999 BAAQMD Standards): 82 pounds per day (lbs/d)

Threshold of significance (2010 BAAQMD Standards): 54 lbs/d

Modeled project emissions (NCDCDP Staff analysis): 15.33 lbs/d

Modeled project emissions (Clark): 26.05 lbs/d

##### NOx

Threshold of significance: 82 lbs/d

Threshold of significance (2010 BAAQMD Standards): 54 lbs/d

Modeled project emissions (NCDCDP Staff analysis): 16.98 lbs/d

Modeled project emissions (Clark): 24.39 lbs/d

##### PM10

Threshold of significance (1999 BAAQMD Standards): 82 lbs/d

Threshold of significance (2010 BAAQMD Standards): 82 lbs/d

Modeled project emissions (NCDCDP Staff analysis): 19.71 lbs/d

Modeled project emissions (Clark): 39.06 lbs/d

As analyzed above, the proposed project would not result in a cumulatively considerable net increase in any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

#### Greenhouse Gasses

The construction and operation of the office and warehousing industrial park proposed here will necessarily contribute to overall increases in green house gas emissions. Emissions would be generated by employee vehicle trips to and from the new and additional jobs located at the facility; from the additional employment and economic activity generated off-site as a result of those on-site jobs; from new and additional vehicle trips to and from the site undertaken by the customers of and visitors to the facility; by the commercial vehicle traffic generated by the proposed warehousing uses; by the production of building materials, their transportation to the

site, and the construction process; by the heating, cooling, and lighting of the completed buildings; by the machinery and products utilized in the course of business by eventual tenants of the park; and by the machines, fertilizers, and vehicles used in the ongoing maintenance of the facility.

The project would also result in the permanent removal of more than 27 acres of ruderal grasslands and roughly ½ acre of existing wetlands, releasing a volume of greenhouse gasses which is currently sequestered on-site. However, the significant landscaping and tree planting (for reference, please see BIOLOGICAL RESOURCES, below) proposed in this project would more than counterbalance the grassland, wetland, and woodland conversions incorporated into the project; resulting in no significant increase in greenhouse gas emissions through biotic conversion.

Moving on to operational characteristics, our URBEMIS air quality analysis for the project (please see Attachment A) indicates that the facility, once complete, would result in area source emissions of 128.6 metric tons per year of carbon dioxide equivalents (MT/Y CO<sub>2</sub>e) and operational (vehicle) emissions of 1,767.7 MT/Y CO<sub>2</sub>e. According to the URBEMIS analysis, the project's total ongoing carbon dioxide emissions (area source plus operational emissions) are predicted to total 1,896.3 MT/Y CO<sub>2</sub>e. The 1,896.3 MT/Y CO<sub>2</sub>e figure does not include construction-period emissions which are likely to range between 422.3 and 1,093 MT/Y CO<sub>2</sub>e.

Neither the State nor Napa County has adopted explicit thresholds of significance for GHG emissions, although State CEQA Guidelines suggest that agencies may consider the extent to which a project complies with requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

Effective June 2, 2010, the Bay Area Air Quality Management District (BAAQMD) is in the process of adopting adopted qualitative and quantitative thresholds that are instructive in this regard (see California Environmental Quality Act Guideline Update - Proposed Thresholds of Significance, BAAQMD, December 7, 2009). Specifically, the BAAQMD is suggesting suggests that development projects which will emit less than 1,100 MT/Y CO<sub>2</sub>e may be considered to have a less than significant impact relative to GHG emissions (both individually and cumulatively). Alternately, the BAAQMD proposes an efficiency-based threshold of 4.6 MT/Y CO<sub>2</sub>e per person ("persons" is arrived at by adding project employment to project residential development). However, the draft 2010 Guidelines caution;

*In applying the efficiency-based threshold of 4.6 MT/Y CO<sub>2</sub>e (per person), the lead agency might also wish to consider the project's total emissions. Where a project meets the efficiency threshold but would still have very large greenhouse gas emissions, the lead agency may wish to consider whether the project's contributions to climate change might still be cumulatively considerable...*

At a modeled operational emissions rate of 1,896.3 MT/Y CO<sub>2</sub>e, the subject project exceeds the BAAQMD's 1,100 MT/Y CO<sub>2</sub>e threshold of significance. However, the BAAQMD's alternative efficiency-based threshold would allow the site emissions of up to 2,870.4 MT/Y CO<sub>2</sub>e (based on a proposed 624 person employment level). The first draft of this mitigated negative declaration (March 2010) concluded that at 1,896.3 MT/Y CO<sub>2</sub>e, the proposed project met the 2,870.4 MT/Y CO<sub>2</sub>e efficiency threshold and that that higher threshold could and should be used to find project impacts associated with GHG emissions less than significant both individually and cumulatively. The April 2010 comments of Dr. Clark, however, find a significant cumulative impact associated with the exceedance of the lower 1,100 MT/Y CO<sub>2</sub>e threshold absent mitigation that reduces impacts to a less than significant level (Comments on the Proposed Napa 34 Holdings Project, Napa County, California, James Clark, PhD and Matt Hagemann, April 20, 2010). At 1,896.3 MT/Y CO<sub>2</sub>e, the proposed project does meet the 2,870.4 MT/Y CO<sub>2</sub>e efficiency threshold, meaning it can be assumed to be less than significant on an individual level.

Cumulative increases in greenhouse gas emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. Despite the adoption of mitigation measures that incorporated specific policies and action items into the General Plan, cumulative impacts from greenhouse gas emissions were found to be significant and unavoidable. Industrial development of the scale and scope proposed in this application has been programmed for the subject parcel since the County adopted the Airport Industrial Area Specific Plan (AIASP) in 1986. The development levels envisioned in the AIASP further informed the 2008 General Plan revision and provided a basis for the land use, air quality, traffic, and other analyses included in the General Plan EIR. Consistent with State CEQA standards (please see *CEQA Guidelines* §15183), because the project is consistent with an adopted General Plan for which an EIR was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than those cumulative impacts which were previously assessed by the General Plan EIR. The cumulative impacts of this project are, therefore, less than considerable.

The BAAQMD has additionally suggested that development projects, plans, and plan amendments which are compliant with a qualified climate action plan, can be assumed to have less than significant impacts with regard to greenhouse gasses. Napa County is currently developing an emission reduction plan (or "qualified climate action plan" to use BAAQMD terminology), based on an initial emissions inventory and Climate Action Framework prepared by the Napa County Transportation and Planning Agency (NCTPA) in 2009. While the emission reduction plan for unincorporated Napa County is in preparation, the County requires project applicants to consider methods to reduce GHG emissions and incorporate permanent and verifiable emission offsets, consistent with Napa County General Plan Policy CON-65(e).

The current project incorporates greenhouse gas reduction methods and offsets including bicycle and pedestrian-friendly facilities and improvements, permanent preservation of extensive natural wetlands, high efficiency irrigation, recycled water use, low VOC materials, the planting of more than 300 new trees (of which nearly 100 will be native oaks), designs that take advantage of passive natural cooling and heating, and buildings which are designed to support the structural loads associated with roof-mounted solar arrays.

However, as the project will exceed the BAAQMD's 1,100 MT/Y CO<sub>2</sub>e threshold of significance, applying the most conservative GHG emission threshold, Dr. Clark has proposed, and the applicant has accepted, a series of mitigation measures designed to reduce impacts to a less than significant level. They include a requirement that project buildings be fully solar-ready and that more than 8,000 metric tons of carbon credits be purchased on the Chicago Climate Exchange<sup>4</sup> and retired by the permittee over the course of the next decade. As mitigated, the project's annual net GHG emissions will be 1,096.3 MT/Y CO<sub>2</sub>e (1,896.3 MT/Y CO<sub>2</sub>e – the 800 MT/Y credit retirement), which is below the BAAQMD's 1,100 MT/Y CO<sub>2</sub>e threshold of significance.

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<sup>4</sup> Started in 2003, the Chicago Climate Exchange (CCX) is the world's first and North America's only legally binding rules-based greenhouse gas emissions allowance trading system. Members of the CCX make a voluntary but legally binding commitment to meet reduction targets for greenhouse gas emissions. International efforts to stop climate change, including the CCX, are focused on reducing emissions and reducing atmospheric levels of six greenhouse gases: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>). The CCX recognized not only that greenhouse gas emissions should be reduced, but that a market-based trading system (similar to the national program for trading sulfur dioxide emissions) offers the least cost for managing such a reduction. In this cap-and-trade system, members of the CCX agree to reduce their emissions to a certain target each year. Members that reduce emissions below their target receive allowances that can be sold to other members or banked, while those that do not meet their targets can purchase credits at the market price. By establishing a market for carbon reductions, entities have flexibility in how emissions are reduced and also receive incentives for the development and use of lowcost technologies and approaches that reduce emissions. The CCX uses the Carbon Financial Instrument (CFI) contract, defined as 100 metric tons of CO<sub>2</sub> equivalent, as the unit for all reporting and trading of greenhouse gas emission reductions. In 2007, the CCX traded 22.9 million tons of CO<sub>2</sub> equivalent for a value of \$72.4 million. (NIACS Briefing, the Chicago Climate Exchange, US Forest Service, Northern Research Station, May 21, 2008).

With regard to the ten-year term of the proposed carbon credit retirement mitigation, James Clark, Ph.D. and Matt Hagemann conclude that ten year termed-mitigation is adequate to reduce GHG emissions impacts to less than significant level in their letter of June 2, 2010. Quoting that analysis in full;

California's major initiatives for reducing climate change or greenhouse gas (GHG) emissions are outlined in Assembly Bill 32 (signed into law 2006), a 2005 Executive Order and a 2004 ARB regulation to reduce passenger car GHG emissions. These efforts will reduce GHG emissions to 1990 levels by 2020 – a reduction of approximately 30 percent, and then an 80 percent reduction below 1990 levels by 2050. Thus, by 2020, AB 32 and other state-wide requirements will have reduced cumulative GHG emissions by 30%.

BAAQMD's threshold of 1,100 metric tons per year for GHG CEQA significance (sic, threshold) applies only to cumulative GHG impacts, not project-specific impacts. The BAAQMD CEQA Guidance states, "If annual emissions of operational GHG's exceed these levels, the proposed project would result in a cumulatively considerable contribution of GHG emissions and a cumulatively significant impact to global climate change." (BAAQMD CEQA Guidelines, p. 2-4, May 2010.)

Since AB 32 will address cumulative GHG emissions by 30% by 2020 and 80% by 2050, the 10-year period from 2010 to 2020 is the most critical period for the County to impose measures to mitigate cumulative GHG impacts. As discussed above, the mitigation measures imposed reduce the Napa 34 Project's cumulative GHG impacts to below the level of significance to at least 2020. After that date, AB 32 will adequately mitigate cumulative GHG impacts on a statewide basis. As such, with the imposition of the supplemental GHG measures, the Napa 34 Project will have no significant GHG impacts. (Review of Supplemental Mitigation, Napa 34 Holdings Project, Napa County, California, James Clark, PhD and Matt Hagemann, June 2, 2010)

As mitigated, project impacts related to GHG emissions and global warming will be less than significant, both individually and cumulatively.

In light of these efforts, and of projected emissions which do not exceed the 4.6 MT/Y CO<sub>2</sub>e per person efficiency threshold suggested by BAAQMD, the project would have a less than significant impact associated with greenhouse gas emissions.

- d. Emissions and dust associated with site preparation and project construction would be both minor and temporary and would have a less than significant impact on nearby receptors. Standard conditions of approval and mitigation measures adopted pursuant to our analysis at "a.," above, regarding dust suppression serve to limit any potential for impacts to a less than significant level.
- e. Earthmoving and construction activities required for project construction may cause a temporary degradation in air quality from dust and heavy equipment air emissions during the construction phase. While construction on the site will generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County standard condition of approval relating to dust;

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 during windy periods.

The area surrounding the subject property is largely given over to industrial and transportation uses, with no residences located within 1,000 feet of the proposed development.

The Napa Sanitation District operates a wastewater treatment plant approximately 1.4 miles to the northwest of the Napa 34 Commerce Center project site. The facility, which is located at 1515 Soscol Ferry Road, is a 15 million gallon per day treatment plant that includes preliminary treatment, primary treatment, biological secondary

treatment, secondary clarification or sedimentation, sand filtration, chlorination, sludge digestion, and solids dewatering (Comments on the Proposed Napa 34 Holdings Project, Napa County, California, James Clark, PhD and Matt Hagemann, April 20, 2010). According to the 1999 BAAQMD CEQA Guidelines, the screening level standard for potential impacts associated with "frequently exposing members of the public to objectionable odors" associated with a wastewater treatment plant is two miles. The 2010 BAAQMD standards reduce that screening level distance to one mile. While portions of the subject parcel will, indeed, be located within one mile of the wastewater treatment plant, the Napa Airport area is characterized by a strong and predictable wind pattern (that is chiefly why the airport was located there in the first place) with winds blowing from the west and south-southwest; that wind pattern predictably moves odors from the Napa Sanitation treatment plant away from the Napa 34 site. Additionally, the second step in the 2010 BAAQMD odor screening process involves determining whether or not any confirmed odor complaints exist for each of the past three years. No confirmed odor complaints exist for the project area (see Review of Supplemental Mitigation, Napa 34 Holdings Project, Napa County, California, James Clark, PhD and Matt Hagemann, June 2, 2010). As a result, no significant impact related to odors and the Napa Sanitation Wastewater Treatment facility would result.

The project will not create objectionable odors affecting a substantial number of people.

#### Mitigation Measures:

1. ~~All construction phases of the subject project~~ The permittee shall incorporate the following BAAQMD construction-related emissions management practices into all construction-phases of the subject project:
  - a. Water all active construction areas at least twice daily.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
  - h. Limit traffic speeds on unpaved roads to 15 mph.
  - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - j. Replant vegetation in disturbed areas as quickly as possible.
  - k. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
  - l. Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
  - m. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
  - n. Limit the area subject to excavation, grading and other construction activity at any one time.
  - o. Idling times shall be minimized, either by shutting off equipment when not in use or by reducing the maximum idling time to 5 minutes (as required by California airborne toxics control measure Title 12, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
  - p. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- g. Post a publicly visible sign with the telephone number and person to contact at the Planning Department regarding dust complaints. The person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Method of Mitigation Monitoring: Prior to the issuance of a building or grading permits, the applicant's contractor shall submit a construction-related emissions best management practices program, incorporating (without limitation) all of the above requirements for the review and approval of the Planning Division. Site inspections undertaken by the Planning Division, the Building Division, and the Department of Public Works will ensure compliance with the approved best management practices program.

2. The permittee shall require in its construction contracts that all construction equipment used as a component of the project be powered by one of the following alternative fuels: biodiesel, biodiesel blend, electricity, or natural gas. Exception to the foregoing may be made only where construction equipment capable of utilizing such alternative fuels is verifiably not available to the relevant contractor through the exercise of reasonable diligence.

Method of Mitigation Monitoring: Prior to the issuance of a building or grading permits, the permittee shall submit copies of contractor and sub-contractor contracts (as relevant) requiring compliance with the above mitigation for the review and approval of the Planning Director. Site inspections undertaken by the Planning Division, the Building Division, and the Department of Public Works may further ensure compliance with the requirement.

3. The permittee, or their successors in interest, shall purchase and retire 800 metric tons of carbon dioxide offset credits per year for ten years (total of 8,000 metric tons) from the Chicago Climate Exchange, beginning in or before the year in which the project receives its first Certificate of Occupancy from the Napa County Building Official.

Method of Mitigation Monitoring: Prior to the issuance of a certificate of occupancy, the permittee shall submit evidence of credit purchase and retirement for the review and approval of the Planning Director. Evidence of additional required purchase and retirement shall be provided annually thereafter for a period of ten years. Failure to purchase and retire said credits shall subject the permittee to use permit revocation, civil penalties, or other enforcement actions as then deemed necessary by the County.

4. In conjunction with the construction of project buildings, the permittee shall design all structures to accommodate solar arrays to the greatest extent possible- including building structural design, roofing materials, building wiring and the like. Final solar compatibility plans shall be submitted for the review and approval of the Planning Director prior to any relevant building permit approval.

Method of Mitigation Monitoring: This mitigation measure requires submittal of required plans and/or specifications prior to the issuance of a building permit. If the mitigation measures are not complied with, no building permit will be issued.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES. Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a.-c. The project site is located within a developing industrial park and is bordered on two sides by existing or approved industrial development. Industrial development, as envisioned by the adopted AIASP, has been steadily replacing wetlands and former grazing lands of the type now seen on this site with office parks, industrial buildings, commercial uses, and vast expanses of pavement since the late 1980's. However, industrial uses in and near the Napa County Airport go as far back as World War II. Some disturbance of the subject property occurred when Airport Boulevard was constructed across the property's northern boundary to provide improved access to the Napa County Airport. The previous roadway to the airport was constructed across the property's southern boundary and has since been abandoned; a significant number of Coast live oak trees exist along the edges of this now-abandoned roadway.



The project area is primarily open ruderal grassland dominated by introduced grasses and forbs. Very few native species occur in the study area, and many of those that do are adapted to disturbance and considered weedy. A mature linear stand of 46 Coast live oak exists along the southern property boundary, running parallel to the abandoned right-of-way. There is also a cluster of four mature Blue Gum Eucalyptus trees located at the property's southwest corner. Both stands of trees provide potential suitable nesting habitat for birdlife, and in particular for protected birds of prey, however, as a result of its urbanized characteristics the site generally does not meet DFG's criteria as suitable foraging habitat. A seasonal drainage swale flows east to west across the site and there are at least two additional dispersed wetland sites located on the eastern half of the property. A November 2008 Army Corps of Engineers wetlands delineation identified 3.19 total acres of jurisdictional wetlands on the parcel. The Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Game (DFG) will likely also exercise jurisdiction over the on-site wetlands.

The applicant has submitted a Biological Resources Assessment report, drafted by North Fork Associates and dated June 1, 2009 and a series of species-specific analyses addressing California Red-Legged Frog (*California Red-Legged Frog Site Assessment – Napa Commerce Center Project Site, Napa County, California, Sarah Lynch for Monk & Associates, May 29, 2009*) and Vernal Pool Crustaceans (*Vernal Pool Crustacean Surveys – Napa Commerce Center Project Site, Napa County, California, Monk & Associates, June 15, 2009* and *Special Status Shrimp Surveys at the proposed Napa Commerce Center Project, Napa County, CA, D. Christopher Rogers for EcoAnalysts, June 17, 2009*).

The North Fork report identifies biological communities on the site and discusses whether or not the site is likely to contain state or federally listed rare, threatened, or endangered plant or animal species. In addition, North Fork Associates was asked to address potential impacts to protected species (if any) and to recommend mitigation measures as needed. According to the report, nonnative grassland and ruderal habitats such as those found on the site provide limited wildlife habitat. The site is not expected to support a diversity of wildlife due to its lack of important habitat features including nesting sites, escape routes, thermal cover, and a variety of food sources. The drainage swale provides a seasonal source of water for wildlife, but does not support riparian habitat. The cluster of trees on the site is identified as an area that may provide nesting and roosting sites for birds and shelter for mammals.

Numerous listed wildlife and plant species are known to occur in the region surrounding the project site, including White-tailed kite, Burrowing Owl, Swainson's hawk, Vernal Pool fairy shrimp, Conservancy fairy shrimp, California red-legged frog (CRLF), Showy Indian clover, Sebastopol meadowfoam, Hayfield tarweed, Dwarf downingia, Contra Costa goldfields, Pappose tarplant, and Big-scale balsom-root. The project biological report indicates that none of the plant species which would potentially be present on the site were identified in 2008-2009 spring site surveys. Site assessments undertaken by Monk & Associates in 2009 determined that the on-site wetlands may provide suitable habitat for Vernal Pool and Conservancy fairy shrimp, however, a site assessment undertaken at the same time found that the study area has no breeding or dispersal habitat for the red-legged frog. Finally, the submitted report indicates that the subject parcel may provide suitable nesting habitat for raptors and other migratory birds, but is unlikely to provide habitat for Burrowing owls due to vegetation which is both tall and dense and a results in lack of suitable nesting habitat.

#### California Red-Legged Frog

The submitted Monk & Associates CRLF assessment concludes that there is no suitable Red-Legged Frog habitat on the site and that any future development on the property would have "no effect" on CRLF or potential CRLF habitat. More specifically, the assessment reasons:

During M&A's March, September, November, and December site surveys no adult, subadult, recent metamorphs, larval CRLF, or egg masses were observed in the swale on the project site or in the other seasonal wetland features. All features onsite were dry during all surveys, with the exception of one seasonal wetland that held one inch of

eutrophic water in March, 2008. The swale onsite is too flashy, with high winter flows in the peak winter months, quickly drying down shortly after storm events cease, and does not support standing water for long enough duration to support amphibians. Also, the swale is narrow and shallow, with no deep plunge pools, no overhanging banks, or areas that would offer CRLF protection or escape opportunities from predators. This highly ephemeral swale does not emanate from any watershed supporting CRLF, and thus does not constitute a potential movement corridor for the CRLF. M&A concludes that the project site, and indeed all habitats known within 1.25 miles of the project site do not constitute CRLF habitat. The mitigation pond on the property directly south of the project site was constructed in an upland area to depths of 25 feet. This pond was monitored for a period of five years and the biologists conducting the monitoring never reported any CRLF sightings to the CNDDDB; hence, it is unlikely CRLF were ever observed during the five years of monitoring. Regardless, even if CRLF were present in this pond, there is no expectation that they would migrate onto the project site since the project site does not provide any habitat amenities suitable for this species.

Additionally, with regard to known CRLF populations proximate to the project site, the Monk & Associates CRLF assessment reports that:

The two closest CRLF records are not mapped within the same watershed as the project site, and have no hydrologic connection with the project site or even project area. In fact, the record locations are not only 3 miles south of the project site, but are also on the opposite side of a major highway (Highway 29), a considerable geographic barrier to movement from the record locations to the project site.

A letter submitted by the Living Rivers Council on May 17 (Re: Napa 34 Holdings Commerce Center, Chris Malan and John Stephens, May 17, 2010) identifies concerns with CRLF and other aquatic mammals attempting to cross Highway 29 travelling to and from the project site. As analyzed in the Monk & Associates CRLF assessment, it is highly unlikely that any CRLF would attempt to travel to or from the site using Highway 29, as no CRLF exist on the property and the nearest known occurrence is in a discontinuous watershed some three miles to the south.

As discussed elsewhere in this document, and in particular at Hydrology and Water Quality, below, this project proposes wetland restoration and augmentation which may have the effect of creating new habitat suitable for CRLF (or other terrestrial wetland animals) on the subject parcel. The creation of that additional improved wetland area is, in fact, one of the most important environmental improvements incorporated into this project.

There exists, under Highway 29, a six-foot diameter box culvert connecting the subject parcel to the property to the east. There is currently, and will be at project completion, a fairly significant grade differential between the project site and Highway 29, with the travel lanes of Highway 29 generally being six to 10 feet above the grade of adjoining portions of the subject property. These significant existing and proposed grade differentials will in all probability direct wetland animals into and through the large existing box culvert should they attempt to travel between the subject property and parcels on the east side of the highway. Given the more than five foot height difference between the highway and the subject parcel, no additional fencing is necessary, and fencing would, in fact tend to corral animal movement through what should be a generally open system. Mitigations requiring wetland buffers, native plants within the augmented wetland areas, and limiting chemical spraying therein are required at Hydrology and Water Quality, below.

#### Vernal Pool Crustaceans

The submitted Monk & Associates Vernal Pool Crustacean survey and its associated EcoAnalysts dry season survey and laboratory sampling report conclude that no special status shrimp are located on the project site, specifically including *Lepidurus packardii*, *Branchinecta lynchi*, and *Lindleriella occidentalis*. The Monk & Associates report concludes:

No federally listed fairy shrimp or vernal pool tadpole shrimp were identified on the project site during the course of wet season surveys conducted in the winter of 2008-2009. No common species of fairy shrimp were identified either. Only common invertebrate species such as Ostracods (abundant), Notonectids (rare), and Dytiscids (rare) were observed. Also, eggs and larvae of the Pacific tree frog were identified in one of the pools and in the main swale onsite. No other amphibians were observed.

The EcoAnalysts survey and laboratory report, which, unlike the Monk wet season report, was based on dry season observation, sampling, and laboratory analysis, concludes:

No special status shrimp eggs or indeed any fairy shrimp eggs at all were found in any of the samples collected from the Napa Commerce Center proposed project site.

The wetland habitats indentified on the maps were not suitable shrimp habitat because they are receiving water (at least sporadically) throughout the year. The three habitats along the swale that cuts through the site from the east to the west receive sporadic flows from the irrigation activities from the golf course to the east and the seasonal surface runoff from Highway 29. These irrigated wetland areas on the project site are dominated in salt grass, bristly ox tongue, umbrella sedge, deer weed, brass buttons, with patches of cattail, spike rush, and rushes. Furthermore portions of this swale have evidence of scour; fairy shrimp cannot survive in high flows.

The one potential habitat that was separate from the swale system, likely receives subsurface water from a large pond, uphill to the south, off the project site. The seasonal wetland feature onsite is dominated by curly dock, penny royal, and senaphore grass, none of which are vernal pool plant species nor tolerant of the seasonal hydrological conditions required by listed shrimp species.

#### Swainson's hawk

The project biological resources assessment (Biological Resources Assessment for the +/- 34 Acre Napa Commerce Center Study Area, Napa County, California, North Fork Associates, June 1, 2009) concludes that the coast live oak trees on the subject parcel are, "unlikely to support nesting Swainson's hawks because of nearby human activities." The report goes on to state, however, that:

...portions of the study area may provide foraging habitat. A nest is known to occur within 1.25 miles of the study area, and CDFG considers all suitable areas within a 10-mile radius of a nest to be foraging habitat. The applicant should consult with CDFG to determine what, if any, mitigation might be required.

During the comment period for the first iteration of this mitigated negative declaration, the Department of Fish and Game responded with additional mitigation measure language addressing Swainson's hawk foraging habitat. The previously proposed mitigation measure requiring Swainson's hawk habitat analysis has been replaced with Fish and Game's language at Mitigation Measure No 7, below.

The mitigation measures, below, will reduce impacts to any special-status wildlife species, including migratory birds protected under the Migratory Bird Treaty Act to a less than significant level. The Special-status plant survey found no occurrence of the plant species listed above and no other special-status plant species were observed during the field surveys.

As previously noted, the Army Corps of Engineers has determined that there are 3.19 acres of jurisdictional wetland on the project site, mostly contained within the seasonal drainage swale which bisects the property. The subject project proposes to fill two wetland areas, totaling approximately 0.48 acres, located to the north and south of the central seasonal drainage. For those wetland areas that cannot be avoided, appropriate permits will have to be acquired from the Army Corps, RWQCB, and DFG. The mitigation measures enumerated below will reduce potential impacts to wetlands to less than significant levels.

- d. There are no known wildlife corridors, native wildlife nursery sites, or sensitive plants identified on the property. Because there is no fencing or other obstructive barriers proposed, the project would not have a significant impact on the movement of native resident and migratory fish and wildlife species. The seasonal drainage swale does not provide suitable habitat for any fish species known to occur in the area. Surveys will be conducted immediately prior to construction to ensure that raptors or other special status nesting birds or migratory birds, if present, are not disturbed.
- e. As noted above, the subject project proposes the removal of 50 trees, of which 46 are Coast live oak and 4 are Blue gum eucalyptus. While the County does not have a tree protection ordinance, the 2008 General Plan and the AIASP speak to the preservation "oak woodlands" and of "existing vegetative stands" (respectively). In particular, the AIASP states that;

*Preservation of existing stands of mature native and naturalized vegetation is a primary goal of the plan. Preservation of existing mature trees and shrubs should be a prime consideration in the design of all development plans. This applies particularly to stands of eucalyptus and native oaks that are scattered throughout the planning area. (Airport Industrial Area Specific Plan, Land Use Element. P. 71).*

The submitted biological survey concludes that the linear stand of oak trees at the southern end of the property does not constitute an oak woodland because it is so closely associated with the abandoned roadway, so the 2:1 oak woodland replacement requirements found in General Plan policy CON-24 are not applicable in this case. However, we are left with AIASP language that speaks directly to the conservation of the very "scattered" stands of oaks and eucalyptus that are proposed to be removed here. AIASP language guides us that, where existing trees are to be removed, the County should specify "suitable *specimen* replacement trees" (emphasis added). Submitted application materials propose replacement of existing mature oak trees in like kind and at a 2 to 1 basis, but all replacement plantings are proposed to be at the 15 gallon size, which is not "specimen sized" as required in the AIASP (specimen sized meaning anything larger than a 24" box). A mitigation measure is incorporated below which requires replacement of the 50 trees to be removed in like kind, at a 2:1 ratio, and in at least a 24" box size. Alternately, the mitigation measure would allow tree replacement in like kind at a ratio of 3:1 and in at least a 15 gallon size. As mitigated herein, impacts on native and naturalized trees will be less than significant.

- f. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans. There are no plans applicable to the subject parcel.

#### **Mitigation Measures:**

- 2.5. To avoid potential losses to nesting raptors, migratory birds protected under the Migratory Bird Treaty Act, and special status bird species, construction activities shall occur outside the critical breeding period from March through August. If construction is proposed to occur during the breeding period, the site shall be surveyed for active nests by a qualified Biologist no more than 30 days prior to commencing construction activities. If active nests are found, the nest location and a buffer area designated by the biologist in consultation with the California Department of Fish and Game shall be established, and those areas shall be avoided until the nest has been vacated. If no nests are found on or adjacent to the project site, tree removal could proceed without further survey.

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 the beginning of March through August. The survey results shall be provided to the Napa County Conservation, Development, and Planning Department (Planning

Department). In the event that nesting sites are found, the nest location and a buffer area designated by the biologist in consultation with the California Department of Fish and Game shall be mapped, and no work shall be undertaken in buffer until the nest has been vacated.

36. To avoid potential losses to the Western Burrowing owl, a nesting survey shall be conducted by a qualified Biologist no more than 30 days prior to commencing construction activities. If active nests are found, ~~the a nest location and a buffer area shall be designated by the biologist in consultation with the California Department of Fish and Game, shall be avoided until the nest has been vacated.~~ Buffers shall be maintained around any active nests and burrows at all times of the year. A site specific proposal for surveys shall be submitted for the review and approval of the Department of Fish and Game prior to implementation. Surveys shall additionally comply with requirements 1-7 at pages 2 and 3 of the Department of Fish and Game's comment letter of April 15, 2010. If no nests are found on the project site construction activities could proceed without further surveys.

Method of Mitigation Monitoring: The permittee shall have a nesting western Burrowing owl survey completed prior to any construction activities ~~scheduled to occur on the site from the beginning of March through August. The activities.~~ The survey results shall be provided to the Napa County Conservation Development and Planning Department. In the event western burrowing owls are found to occur on-site, buffers shall be established and maintained consistent with Department of Fish and Game policies and protocols. ~~construction activities will be scheduled to avoid nesting and breeding periods.~~

47. In order to mitigate for the loss of Swainson's hawk foraging habitat, prior to the issuance of a building or grading permit, the project proponents shall either provide 0.75 acres of land for each acre of urban development authorized by this project as permanent protected Swainson's hawk foraging habitat (lands shall be protected in perpetuity and should provide for the long-term management of the lands by funding a management endowment) or other mitigation as deemed acceptable by the final protocol level survey reports for vernal pool crustaceans and California red legged frog shall be submitted for the review and approval of the Napa County Planning Department, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service. A final Swainson's hawk nesting and foraging analysis shall likewise be provided for the review and approval of the Planning Department and the California Department of Fish and Game proposing, as necessary, specific mitigations consistent with Department of Fish and Game standards.

Method of Mitigation Monitoring: Mitigation Measure No 4.7 requires ~~submission of final protocol level survey results and Swainson's hawk habitat analysis consistent compliance with DFG mitigation requirements policies~~ prior to the issuance of a building or grading permit. If the mitigation measures are not complied with, no development permit will be issued.

58. Prior to issuance of a building or grading permit the project proponent shall provide documentation from the Army Corps of Engineers indicating that one or more of the following measures will, or has, occurred and is, or will, be considered mitigation to address proposed conversion of jurisdictional wetlands.
- Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, on the project site by enhancing existing wetlands or creating new wetlands to provide for no net loss of wetlands function. The applicant's biologist indicates on site mitigation using proposed drainage facilities such as a detention basin or vegetated swales is a viable option for restoring wetlands function although the acceptability of such to the Corps and/or RWQCB cannot be guaranteed; or,
  - Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by off-site creation or enhancement of wetlands in Napa County consistent with state and federal policies providing for no net loss of wetland function; or

- c. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by purchase of wetlands creation or preservation credits in an existing or future wetlands bank that "services" Napa County, consistent with state and federal policies providing for no net loss of wetland function; or
- d. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by financial participation in an existing wetlands enhancement or creation project in Napa County sponsored by a state, federal or County agency such as the Napa County Resource Conservation District (RCD) consistent with state and federal policies providing for no net loss of wetland function. Or,
- e. a combination of the above measures, which in aggregate meets the prescribed ratio dictated by the Corps and/or RWQCB.

Method of Mitigation Monitoring: Any required wetland mitigation shall be in place prior to the issuance of building or grading permits. The project proponent shall demonstrate to the satisfaction of the Planning Department that all wetland mitigation has been approved by the Corps and has been initiated. The terms and conditions of wetland protection, replacements and performance criteria are subject to Corps concurrence and may be modified.

- 9. Prior to issuance of a building or grading permit, the project proponent shall provide documentation from the California Department of Fish and Game that a 1602 permit has been issued or that said department does not deem such permitting necessary. The terms and conditions of that permitting are subject to Fish and Game concurrence and may be modified as deemed necessary by that department.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of evidence of project compliance with DFG 1602 permit requirements prior to the issuance of a building or grading permit. If such evidence is not submitted, no development permit will be issued.

- 10. Prior to issuance of a building or grading permit, the project proponent shall submit final revised landscape plans which include in-like-kind replacement of all trees to be removed as a result of the project for the review and approval of the Planning Director. Tree replacement shall occur at a ratio of 3:1 if replacement trees are smaller than 24" box in size or at a ratio of 2:1 if replacement trees are sized at 24" box or greater. The final determination as to whether or not proposed replacement plantings are "in-like-kind" shall be made by, and solely at the discretion of, the Planning Director or her designee.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of final revised landscape plans incorporating replacement tree details prior to the issuance of a building or grading permit. If such plans are not submitted, no development permit will be issued.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES. Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a.-c. The project site is vacant and does not contain any structures. Research into past uses has identified no historic resources likely to be present on the site. A previous archaeological survey, entitled *A Cultural Resource Inventory of the Napa Airport Master Environmental Assessment Area* (Archaeological Resource Service, September 1983) was conducted in the airport industrial park area (including the project site). An additional study of the remainder of the Gunn-Greenwood Ranch area was conducted by Archaeological Resource Service (ARS) in 1988. Neither study indicated the presence of historical, archaeological, or paleontological resources of any significance on the subject property. A follow-up to the two previous studies was conducted by ARS in mid 2009 with an eye to the specific development proposed in this project (*A Cultural Resources Evaluation of APN 057-210-056 Located Southwest of the Intersection at Highway 29 and Airport Boulevard, Napa County, California*, Sally Evans, Archaeological Resource Service, June 9, 2009). The recent study found no new prehistoric sites or artifacts, confirming the findings of the previous analyses. Foundational remnants of two agricultural structures, likely dating to the period between 1920 and 1950, were discovered on the property; however, the report concludes that the foundations, "are not potentially significant historic resources and do not qualify for listing on the National register of Historic Places." The report concluded that the proposed project will not adversely affect any previously-recorded or newly-identified archaeological sites. As a result, it is not anticipated that any cultural resources are present on the site and the potential for impact is deemed to be less-than-significant. However, if resources are found during grading of the project, construction is required to cease and a qualified archaeologist will be retained to investigate the site in accordance with standard Napa County conditions of approval.
- d. To our knowledge, no human remains have been encountered on the property during past grading activities (such as when nearby public improvements were constructed) and no information has been encountered that would indicate that this project would encounter human remains. The 2009 ARS study concludes that the site is unlikely to harbor human remains. However, if remains are found during grading of the project, construction is required to cease, the County Coroner must be notified, and a qualified archaeologist will be retained to investigate the site in accordance with standard conditions of approval.

**Mitigation Measures:** None are required.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY and SOILS. Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- ai. There are no known faults on the project site as shown on the most recent Alquist-Priolo earthquake fault map. As such, the proposed facility will have a less than significant impact with regard to fault rupture.
- aii. All areas of the Bay Area are subject to strong seismic ground shaking. The proposed structures must comply with all the latest building standards and codes at the time of construction, including the California Building Code, which will function to reduce any potential impacts to a less than significant level.
- aiii. No subsurface conditions have been identified on the project site that would indicate a high susceptibility to seismic-related ground failure or liquefaction. Napa County Environmental Resource Mapping (*liquefaction* layer) indicates that the project area is generally subject to a very low tendency to liquefy. The proposed structures must comply with all the latest building standards and codes at the time of construction, including the California Building Code, which would reduce any potential impacts related to liquefaction to a less than significant level.
- aiv. Napa County Environmental Resource Maps (*landslide line*, *landslide polygon*, and *landslide geology* layers) do not indicate the presence of landslides or slope instability on this gently sloping bayland property.

- b. Based on Napa County environmental resource mapping (*Soil Type* layer), the *Soil Survey of Napa County, California* (G. Lambert and J. Kashiwagi, Soil Conservation Service), and the *Flatland Deposits of the San Francisco Bay Region, California- Their Geology and Engineering Properties and Their Importance to Comprehensive Planning* (E. Helley, K. Lajoie, W. Spangle, and M. Blair, U.S. Geological Survey) the subject parcel includes soil classified as Haire Loam (2 to 9 percent slopes) and Fagan Clay Loam (5 to 15 percent slopes). The geology of the site is late Pleistocene alluvium, with overlaying younger fluvial and basin deposits. Late Pleistocene alluvium is weakly consolidated, slightly weathered, poorly sorted, irregularly inbedded clay, silt, sand, and gravel. There is often a clay pan present in Haire soils of the type located on the site, which can support vernal pool development. Haire soils of the type located on the subject property are often used for grazing land; runoff is slow to medium and the chance of erosion is slight. Fagan soils are likewise generally used for range and pasture; runoff is medium and the threat of erosion is moderate. Development on the site will be subject to the Napa County Stormwater Ordinance related to erosion control measures which would reduce any potential impacts to a less than significant level.
- c.-d. According to the Napa County Environmental Resource Mapping (*surficial deposits* layer) bedrock underlays the surficial soils on the project site. Based on the Napa County Environmental Sensitivity Maps (*liquefaction* layer) the project site has very low liquefaction predilection. Construction of the facility must comply with all the latest building standards and codes at the time of construction, including the California Building Code, which will function to reduce any potential impacts to a less than significant level. In addition, a soils report, prepared by a qualified Engineer will be required as part of the building permit submittal. The report will address the soil stability, potential for liquefaction and will be used to design specific foundation systems and grading methods.
- e. The project will connect to the Napa Sanitation District sewer system. A "will serve" letter has been submitted by Napa Sanitation District, indicating that they have sufficient capacity to accommodate the wastewater demand of the project.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a. The proposed project will not involve the transport of hazardous materials other than those small amounts normally used in construction of the facility. At this time, specific tenants are not known. It is anticipated that tenants will be a mix of warehousing, distribution, and office uses with many or most related to the wine industry. This mix of uses, primarily with a focus on support services necessary to the local and regional wine industry, is typical of the already-developed portions of the Airport Industrial Area Specific Plan zone. A Business Plan will be filed with the Department of Environmental Health should the amount of any hazardous materials reach reportable levels. However, in the event that a future use involves the use, storage, or transportation of greater than 55 gallons or 500 pounds of hazardous materials, a use permit modification and subsequent environmental assessment would be required prior to the establishment of that use in accordance with the Napa County Zoning Ordinance. During construction of the project some hazardous materials, such as building coatings/ adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and durations in question, they will result in a less-than-significant impact.
- b. The project would not result in the release of hazardous materials into the environment.
- c. There are no schools located within one-quarter mile of the proposed project site.
- d. According to Napa County environmental resource mapping (*hazardous facilities* layer), the project is not located on or adjacent to a known hazardous facility. The project area is not on any known list of hazardous materials sites.

- e. The project site is located within two miles of the Napa County Airport, and is therefore subject to the requirements of the County's Airport Compatibility Combination zoning district and the requirements of the Napa County Airport Land Use Commission's Compatibility Plan (ALUCP). The project is located within Zone D of the compatibility plan, which is an area of common overflight and moderate risk. The proposed warehousing and office uses are highly compatible with Zone D and are consistent with the requirements of the ALUCP. The buildings have been designed to comply with specific requirements regarding light and glare in order to ensure airport land use compatibility. No up-lighting will be allowed. County development regulations have been certified as meeting ALUCP compatibility requirements, and consequently the project is not subject to separate Airport Land Use Commission review as its compliance with ALUCP requirements ensures compatibility with the Napa Airport.
- f. The project site is not located within the vicinity of any private airport.
- g. The proposed driveways that serve the project will be improved to comply with County standards, and access throughout the site is designed to accommodate fire apparatus and large trucks. The project is located within the Napa County Fire local response area. The Asst. Fire Marshall did not identify any design issues as regards turning radii, though she has requested some alterations to proposed hydrant locations (please see PUBLIC SERVICES for further discussion of this issue). The project will not negatively impact or hinder emergency vehicle access.
- h. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires because the project is located within an urbanized area.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY. Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a. The proposed project will not violate any known water quality standards or waste discharge requirements. The project incorporates an integrated approach to stormwater management and wetland preservation in which on-site stormwater flows are pretreated and then allowed to drain into the preserved on-site wetland in a manner which mimics natural hydrologic flows. The proposed system, which is detailed in the applicant's March 2010 *Stormwater Management Plan* and in their *Preliminary Drainage Report* of the same date, has been vetted by both the Department of Public Works and the San Francisco Bay Regional Water Quality Control Board and both agencies have voiced initial support for the proposed system's somewhat novel (at least for Napa County) combined approach to stormwater management and wetland enhancement. The project will ultimately discharge stormwater into an approved storm drainage system designed to accommodate the drainage from this site. Given that the permittee will be required to obtain a stormwater permit from the Regional Water Quality Control Board, via a program which is in-part administered by the County Department of Public Works, ample opportunity is provided for both agencies to fine tune the details of the conceptual system as it progresses into a built reality. As a clarifying point, although the project initially requested a waiver from the County's stormwater requirements, pursuant to a January 19, 2010 letter from Jeannette Doss of the Napa County Department of Public Works to Brad Shirhall of the applicant team, Napa County will not be issuing a stormwater waiver for this project. Stormwater flows will, as a result of the integrated system proposed here, meet all of the County's stormwater requirements. Impacts related to water quality and the risk that the project will violate waste discharge requirements are less than significant.
- b. The project will connect to municipal water provided by the City of American Canyon. No groundwater wells are associated with this property.

- c.-e. The proposed project will not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off site. As analyzed at "a.," above, the stormwater management and drainage improvements proposed as part of this project have been carefully designed to preserve and/or mimic existing drainage patterns and rates via a combination of stormwater pretreatment, detention, and wetland preservation and enhancement. The project will incorporate erosion control measures to manage onsite surface drainage and erosion of onsite soils during winter periods (October to April). As noted above, the project is required to comply with County Public Works requirements, which are themselves consistent with Regional Water Quality Control Board standards. These established Best Management Practices have been successfully implemented on numerous other projects within the Airport Industrial Area. The project *will* result in an increase in the overall impervious surface resulting from the new buildings, pavement and sidewalks. However, given both the size of the larger drainage basin and the extensive wetland preservation and enhancement area which has been proposed by the applicant, the project will not significantly alter existing groundwater filtration or infiltration rates nor will surface runoff from the site be significantly affected. Project impacts related to drainage patterns and off-site flows are expected to be less than significant.
- f. The function of this project's integrated stormwater pollution prevention, drainage, and wetland preservation systems will depend heavily on the care and attention that go into the ongoing maintenance of the Parcel "J," "K," and "L" wetland and detention basins and the buffer areas which surround them. ~~A mitigation measures requiring a final third-party stormwater pollution prevention plan, ongoing wetland preservation, and ongoing wetland maintenance is are incorporated below. As mitigated, we are unaware of any other project-related factors which would otherwise degrade project impacts on water quality will be less than significant.~~
- g.-i. According to Napa County environmental resource mapping (*floodplain and dam levee inundation layers*), the project site is not located within a flood hazard area. The project would not impede or redirect flood flows or expose structures or people to flooding. The project is not located within a dam or levee failure inundation zone.
- j. In coming years, higher global temperatures are expected to raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The Intergovernmental Panel on Climate Change (IPCC) estimates that the global average sea level will rise between 0.6 and 2 feet over the next century (IPCC, 2007). Elevations on the property range from approximately 80 feet above mean sea level down to approximately 48 feet and there is no known history of mud flow in the vicinity. The project will not subject people or structures to a significant risk of inundation from tsunami, seiche, or mudflow.

#### Mitigation Measures:

11. Prior to the issuance of a building permit, a grading permit, or the recordation of a final parcel map, the permittee shall submit a binding drainage system/wetland maintenance plan for the review and approval of the Departments of Public Works and Planning. The submitted plan shall stipulate an ongoing maintenance regime (including, without limitation, financing details and implementation/enforcement measures such as CC&Rs and/or third party conservations easements) for the integrated project area wetland and drainage system. The wetland shall be restored and revegetated to improve habitat for animals associated with the wetland ecosystem. Permanent restricted-access buffer zones shall be established around the protected wetland as shown in submitted plans or otherwise as consistent with the site-specific requirements of the Regional Water Quality Control Board; incidental human traffic through or interference in these zones shall be restricted through fencing or other barriers acceptable to the Planning Director and the Regional Water Quality Control Board. Revegetation within the wetland and wetland buffer areas shall consist of appropriate native plants. No chemical spraying shall be allowed in the wetland or wetland buffer areas. The submitted maintenance plan shall be consistent with the *Napa County Post Construction Runoff Management Requirements*

manual adopted by the Board of Supervisors on June 3, 2008, and in particular with Chapter 5 at p. 14, Implementation and Maintenance of Requirement.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of an acceptable maintenance plan prior to the issuance of a building or grading permit or the recordation of a final parcel map. If such plans are not submitted or are not approvable, no parcel map may be recorded and no development permit will be issued.

12. Prior to the issuance of a building permit or a grading permit the permittee shall retain a qualified third-party consultant to develop a stormwater pollution prevention plan (SWPP) in conformance with all applicable requirements of the State Porter Cologne Water Quality Act (Cal. Water Code §§ 13000-14598) and the Federal Clean Water Act (13 U.S.C. 1251 et seq) for the review and approval of the Director of Public Works.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of an acceptable maintenance SWPP prior to the issuance of a building or grading permit. If the SWPP is not submitted or is inadequate, no development permit will be issued.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a-c. The proposed project would not occur within an established community, nor would it result in the division of any proximate established community. The proposed project complies with the Napa County General Plan, the Napa County Code, and all other applicable regulations. As mitigated herein, and assuming County approval of the variations proposed by project proponents, the project would comply with the Airport Industrial Area Specific Plan. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property.

**Mitigation Measures:** None are required.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>X. MINERAL RESOURCES. Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a.-b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (*Mines and Mineral Deposits*, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on or near the project site. The nearest known resource is the Syar quarry, located several miles to the north. The AIASP does not indicate the presence of valuable or locally important mineral resources in the project area. Neither this project, nor any directly foreseeable resulting project, will result in a loss of a known mineral resource.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XI. NOISE. Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a.-b. The proposed project will result in a temporary increase in noise levels during the construction of buildings, parking areas, and associated improvements. Construction activities will be limited to daylight hours using properly-muffled vehicles. Noise generated during this period is not anticipated to be significant. Furthermore, construction activities would generally occur during the period of 7am-7pm on weekdays- normal waking hours. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The proposed project would not result in long-term significant permanent construction noise or operational noise impacts.
- c.-d. The anticipated level of ongoing operational noise associated with the proposed facility would be typical of and fully in keeping with warehousing/office uses in an existing industrial setting. The project is located within an industrial park and is not in an area where noise increases resulting from additional industrial development will impact sensitive receptors. The design of the proposed project, together with adherence to the County Noise Ordinance, will ensure the proposed project will not result in adverse noise impacts.
- e. The proposed project site is located within compatibility Zone D of the Napa County Airport, an area of common aircraft overflight. As such, persons on the project site will be exposed to the noise associated with regular overhead aircraft operation. The warehousing and office uses proposed here are not considered sensitive to noise levels from aircraft of the type foreseeable on this property, and as analyzed at some length in the AIASP and the ALUCP, the development and uses proposed here are considered compatible with aircraft operations within the D zone.
- f. The project is not within the vicinity of a private airstrip.

**Mitigation Measures:** None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XII. POPULATION and HOUSING. Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a. Submitted application materials indicate that this project would result in the creation or relocation of approximately 600 full time equivalent jobs. Of those, 560 are predicted to be office employees and 60 are to be warehouse employees. While a number of these jobs may already exist in Napa County (and would simply relocate to the project site from existing industrial or commercial developments) the project will almost certainly add to the local job base and contribute to the 23% population increased projected for Napa County by the year 2030 (*Projections 2003*, Association of Bay Area Governments). However, the County's *Baseline Data Report* (Napa County *Baseline Data Report*, November 30, 2005) indicates that total housing units currently programmed in county and municipal housing elements exceed ABAG growth projections by approximately 15%. As a result of the county's projected low to moderate growth rate and overall adequate programmed housing supply, the population growth resulting from this project will not create a cumulatively considerable increase in the demand for housing units within Napa County and the general vicinity.

With regard to project-specific impacts, the County has adopted a Housing Element (currently under review by the State Housing and Community Development Agency) which identifies locations for new housing, and has adopted a development impact fee to provide funding for affordable housing projects. The affordable housing impact fee is paid at the time building permits are issued for any new non-residential development and is based on the gross square footage of non-residential space multiplied by the fee established at N.C.C. Chapter 15.60.100, Table 1. The combination of countywide Housing Element programmed housing and required housing impact mitigation fees is deemed to reduce the project specific growth inducing impacts of a project of this type to a less than significant level.

- b.-c. The project site is currently vacant and almost entirely undeveloped. The subject project will displace neither housing nor persons and will not necessitate the construction of replacement housing.

**Mitigation Measures:** None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES. Would the project result in:</b>				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a. Public services are currently provided to the Airport Industrial Area, and as the subject parcel has been slated for intensive industrial development in all relevant County land use plans for more than two decades, the additional demand placed on existing services will be both marginal and entirely foreseen. County revenue resulting from any building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the property. As discussed and (as relevant) mitigated below, the proposed project will have a less than significant impact on public services.

*Fire Protection*

The Fire Marshall has advised that submitted plans do not include adequate fire hydrant details and a mitigation measure is incorporated below to address that shortcoming. Fire protection measures are required as part of the development pursuant to Napa County Fire Marshall conditions and impacts to emergency response times should be less than significant with the adoption of standard conditions of approval.

*Police Protection & Other Public Facilities*

The Public Works and Sheriff's Departments have reviewed the application and have not identified any substantial adverse physical impacts associated with public facilities.

*School Facilities*

School impact mitigation fees, which assist local school districts with capacity building measures, will be levied pursuant to building permit submittal.

*Park Facilities*

The proposed project will have little to no impact on public parks.

**Mitigation Measures:**

12.13. Prior to the issuance of a building or grading permit, the permittee shall submit final fire hydrant plans for the review and approval of the Fire Marshal.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of acceptable hydrant plans prior to the issuance of a building or grading permit. If such plans are not submitted or are not approvable, no development permit will be issued.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a.-b. The proposed project includes new industrial development in the midst of a developing and long-planned industrial park. The project would not significantly increase the use of existing recreational facilities nor does it include recreational facilities that would have a significant adverse effect on the environment.

**Mitigation Measures:** None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

- a.-b. Weekday traffic volumes within the project vicinity consist primarily of commute traffic within peak traffic periods and residential flows from nearby communities, commercial, tourist, and industrial park traffic occurring throughout the day. Southern Napa County is characterized by two distinct commute traffic patterns: a Napa to Bay Area commute, and a smaller Solano County to Napa commute. The existing traffic congestion is primarily the result of regional growth impacts. Major improvements to both Highway 29 and Highway 12 are necessary to address regional traffic congestion. As mandated by Napa County, projects within the industrial park are responsible for paying "fair share" costs for the construction of improvements to impacted roadways within the industrial park.

Since 1990, the County has imposed and collected traffic mitigation fees on all development projects within the Airport Industrial Area. A developer's "fair share" fee goes toward funding roadway improvements within the specific plan area including improvements designed to relieve traffic on State Highways. The traffic mitigation fee is further described in Board of Supervisor's Resolution 08-20. For this project, a traffic mitigation fee based on PM peak hour vehicle trips will be imposed and collected prior to issuance of each building permit as determined by the Director of Public Works and is included as a mitigation measure below. The Department of Public Works is in the process of completing an update of the Airport Industrial Area traffic mitigation fee program. That program specifically addresses, and the associated fees will mitigate, cumulative impacts at the 2008 General Plan Revision sunset date of 2030. Cumulative traffic impacts at the 2030 horizon will be addressed by that larger document and are therefore not a specific subject of this review.

The County has established that a significant traffic impact would occur if increases in traffic from a project would cause intersections or two-lane highway capacity to deteriorate to worse than Level of Service (LOS) E, or at intersections or two-lane highway where base case (without project) is LOS F, a significant impact is considered to occur if a project increases the base volumes by more than one percent. The 1% threshold has been utilized consistently throughout all recent EIRs and other CEQA documents addressing projects within the Airport Industrial Area.

The project includes construction of an industrial park totaling 490,503 square feet divided amongst eight new buildings, including two 41,706 square foot two-story office buildings, two 7,563 square foot single-story office buildings with ancillary warehouse space, one 8,850 square foot single-story office building with ancillary

warehouse space, and 152,644 square foot, 148,840 square foot, and 81,631 square foot single-story warehouse/distribution buildings with ancillary office space. Approximately 73% percent (or 3456,048 square feet) of the total development floor area would be dedicated to warehousing uses, while the remaining 27% (or 134,455 square feet) would be utilized as office space. Access would be provided from three new driveways located off of an extension of Devlin Road, located south of the existing Devlin Road/Airport Boulevard intersection, and a single right-in right-out driveway off of Airport Boulevard. Roadway improvements, including road construction at Devlin Road and road widening at Airport Boulevard are also proposed.

The applicant has submitted a traffic study (*Napa Commerce Center Light-Industrial Project Traffic Impact Analysis - Final Report*, OmniMeans Engineering and Planning, February 2010) which analyzes existing and proposed traffic conditions and provides the basis for this analysis. The project is anticipated to generate 412 AM peak trips (338 inbound and 74 outbound), and 422 PM peak trips (89 inbound and 333 outbound) based on "Industrial Park" (land use code 130) trip rates as compiled at *Trip Generation, 8<sup>th</sup> Edition* (Institute of Transportation Engineers, 2008). According to the submitted study;

*It is noted that the proposed project would have a greater portion of "office" uses in the northern half of its development area and a greater proportion of "warehouse" uses in the southern half of its development area. As such, calculated light industrial park trip generation for the proposed project was "weighted" to account for slightly more office use in the northern development area and more warehouse use in the southern portion of the site. This was accomplished by comparing "industrial park" and "general office" trip generation rates and the amount of overall project square footage in the northern and southern development areas of the site. This analysis provided a more accurate representation of total vehicle trips accessing proposed project driveways.*

At the specific request of the County's principal transportation engineer, project conditions were modeled to include buildout of Greenwood Commerce Center, an approved project located directly to the west of the subject parcel. The Greenwood project would include 378,891 square feet of Industrial Park uses. Greenwood would locate access driveways directly across from the subject project's driveways on the southerly extension of Devlin Road as well as adding vehicle trips to all project study intersections on Airport Boulevard, Devlin Road, CA-29, and CA-12. Based on the Greenwood traffic study (*Traffic Analysis for the Proposed Greenwood Business Park Project in the Napa Airport Industrial Area of Napa County*, George W. Nickelson P.E., July 8, 2008), that project is expected to generate 318 AM peak hour trips and 326 PM peak hour trips. Those vehicles were added to existing traffic volumes to arrive at overall project driveway operation on Devlin Road and study intersection operation throughout the Airport Industrial Area.

According to the OmniMeans study;

*The proposed Napa Commerce Center project would add proportionately to overall project traffic volumes on Devlin Road, Airport Boulevard, Soscol Ferry Road, S.R.-29, and S.R.-12. With existing-plus- proposed project traffic volumes, all project study intersections would generally operate at acceptable levels (LOS D or better) during the AM and PM peak hour. The Soscol Ferry/S.R.-29 (intersection) would continue to operate at LOS E and F during the AM and PM peak hours, respectively.*

According to project traffic engineer George Nickelson, due to the combined size of the Napa 34 Commerce Center and Greenwood Commerce Center developments, "the traffic generated by these combined developments would represent a very conservative estimate of traffic growth over the next 2-3 years." (Responses to Comments by Tom Brohard and Associates Related to the Napa Commerce Center Traffic Impact Analysis, George W. Nickelson, May 21, 2010.) Mr. Nickelson concludes that the short term analysis incorporated into the July 8, 2008 traffic analysis is "conservative and valid." This is a conclusion which is confirmed by Tom Brohard (a commenter on the initial draft project initial study) in his letters of May 17, 2010 and May 22, 2010. Despite the fact that Mr. Brohard

initially raised issues about the project-specific impact analysis in his original comment letter (Review of the Mitigated Negative Declaration, Initial Study Checklist, Use Permit, and Final Traffic Impact Analysis for the Napa 34 Holdings Commerce Center in the County of Napa – Traffic Issues, Tom Brohard, April 19, 2010), he finds in his subsequent letters of May 17 and May 22 that the baseline analysis scenario adopted by the original Nickelson traffic study, as clarified by Mr. Nickelson in his letter of May 21, is adequate and appropriate.

Quoting Mr. Brohard's May 22, 2010 as it regards the adequacy of the project Traffic Impact Analysis scenario and project-specific traffic impacts:

I have reviewed the May 21, 2010 letter from George Nickelson, Branch Manager at Omni-Means, providing further information in response to my prior comments. Mr. Nickelson indicates traffic volumes have remained the same or decreased slightly over the last three years on SR12 and SR29 adjacent to the project, and I have verified this on the Caltrans website. Further, I found that the County of Napa does not require factoring of traffic counts to represent conditions on Thursday in August as does the City of Napa. After considering these items, I agree with the analysis in the Traffic Study that SR12/SR29/Airport Boulevard will operate at LOS "D" with project traffic added.

A secondary issue discussed in the various (above-cited) memos of Mr. Brohard and Mr. Nickelson is the potential for impacts related to on-site queuing at project driveways. The project traffic impact analysis provided level of service and operational characteristic calculations for the three project driveways located on Devlin Boulevard and the one proposed on Airport Boulevard. Table 5 at page 13 of the project traffic analysis (Traffic Analysis for the Proposed Greenwood Business Park Project in the Napa Airport Industrial Area of Napa County, George W. Nickelson P.E., July 8, 2008) shows that all driveway outbound traffic would operate at an acceptable LOS of "C" or better. Queuing was analyzed at Table 6 of the project traffic impact analysis (Ibid). According to Mr. Nickelson:

...at three of the project driveways, the calculated 95<sup>th</sup> percentile queue for vehicles exiting the project would not back up beyond the nearest internal parking aisle. Even at the project's Devlin Road center driveway, the calculated queue would be approximately equal to the available distance between the travel lane and the internal parking aisle. There is no evidence that the driveway queuing would significantly impact internal circulation. Similarly, based on the traffic circulation analysis, there is no reason to conclude that the driveways' operation would impact traffic flows on adjacent streets. (Responses to Comments by Tom Brohard and Associates Related to the Napa Commerce Center Traffic Impact Analysis, George W. Nickelson, May 21, 2010.)

In his letter of May 22, 2010, Tom Brohard concedes that his initial comments of April 19, 2010 were not based on valid measurements, and he concludes that the above-quoted response from George Nickelson fully addresses the queuing issue and correctly finds less-than-significant impacts. To wit:

In regard to on-site queuing, I had previously indicated the 95<sup>th</sup> percentile queues in the Traffic Study appeared to exceed the available distances that I had scaled from the reduced site plan. Mr. Nickelson has measured the distances from a scaled drawing of the site, and I agree that the distances provided are adequate.

The OmniMeans project traffic impact study goes on to recommends additional mitigation measures designed to reduce traffic-related impacts to a less than significant level. Those additional mitigations are related to internal circulation and associated awkward parking locations, the Airport Boulevard/Devlin Road intersection, the Soscol Ferry Rd./ Devlin Road intersection, Airport Boulevard, and driveway access. In addition, the California Department of Transportation commented in their letter of March 3 (Lisa Carboni, Letter to Chris Cahill, Napa County Conservation, Development, and Planning Department, March 3, 2010) that;



The project must include extending the existing northbound (NB) left turn lane at the state route (SR) 29/Airport Boulevard intersection in order to accommodate the Plus Project queue. Please be reminded that a left turn lane requires both storage and deceleration length.

As analyzed in George Nickelson's May 21, 2010 Responses to Comments, the project mitigation measures do not themselves cause any significant environmental impacts. Quoting said letter:

The TIA for the Napa Commerce Center project concluded that traffic impacts at the Airport Boulevard/Devlin Road intersection would require mitigation. The TIA identifies specific mitigation measures to address the impacts resulting from the proposed project (and the cumulative baseline traffic generated by the Greenwood Business Park). These measures include the widening of Airport Boulevard and Devlin Road to accommodate dual westbound left turn lanes. These measures would address queuing impacts that would be reduced to "less than significant" levels.

The TIA also identifies queuing problems at SR29/ Soscol Ferry and SR29/ Airport-SR12 that would be exacerbated by the proposed Napa Commerce Center project. However, as noted in the TIA, these problems currently exist and are related to the overall operation of the intersections. The Napa County cumulative analysis conducted as a part of the Update of Airport Industrial Area Traffic Mitigation Fee Program applies to the Napa Commerce Center project and addresses the future improvements on these regional facilities. The proposed Napa Commerce Center project would participate in the implementation of these cumulative mitigation measures through the adopted fee program.

Please see, Cumulative Impacts and the Napa Pipe Project, below, for additional discussion of some of the issues addressed by Mr. Nickelson. It is worth noting, however, that this project will be subject to the traffic impact fee structure in-effect when construction actually takes place. It is highly likely that the revised, and in all likelihood increased, impact fees driven by the Update of Airport Industrial Area Traffic Mitigation Fee Program will be in place at that time. Those fees will provide increased funding for local and regional roadway and traffic improvements in the South County area.

Following further review and consideration of the clarifying material provided by George Nickelson, Tom Brohard ultimately finds the project traffic impact analysis sound, that all project-specific impacts are less than significant as mitigated, and that the project traffic mitigation measures are adequate. In sum, he states, "my prior comments have been adequately addressed by Mr. Nickelson, the Traffic Study is appropriate, the mitigation measures in the MND are adequate and the traffic has no unmitigated significant traffic impacts." (Review of Response to Prior Comments Regarding Traffic Issues for the Napa 34 Holdings Commerce Center in the County of Napa, Tom Brohard, May 22, 2010).

Additional mitigation measures as recommended by OmniMeans and the Department of Transportation are incorporated below. As mitigated hereby, project-specific impacts related to traffic will be less than significant.

#### Cumulative Impacts and the Napa Pipe Project

As noted at Environmental Setting, above, the subject parcel is located in the midst of a developing industrial park, adjacent to the Napa Airport, which has been planned for industrial development through the adoption and implementation of an Airport Industrial Area Specific Plan for several decades. The traffic generated by the project will combine with other constructed, approved (but yet-to-be constructed) and currently proposed projects to create cumulative traffic impacts at both the local and the regional scale. The following table lists approved and proposed developments proximate to the Napa 34 Commerce Center site which will combine to create a foreseeable future cumulative traffic condition in the project vicinity.

AIRPORT INDUSTRIAL AREA & SURROUNDING ENVIRONS – As of May 2010

RECENT PROJECTS – APPROVED / UNDER CONSTRUCTION

<u>Project#</u>	<u>Project Name</u>	<u>APN/Location/ Lot Size</u>	<u>Applicant</u>	<u>Project Description</u>	<u>Status</u>
<u>98-177</u>	<u>Montalcino at Napa Resort Hotel</u>	<u>57-020-006, 017, 018, &amp; 020; 57-210-002 Devlin Rd. 72 acres</u>	<u>Marsha Ramsey HCV Napa Assoc 222 Kearny St. Suite 310 S.F., Ca 94108</u>	<u>408,184 sq. ft. of floor area 379 rooms &amp; suites 1045 parking spaces 494 employees</u>	<u>Approved 4/6/04 Used - Unbuilt</u>
<u>P05-0220</u>	<u>Montalcino at Napa Golf Course</u>	<u>57-010-037 Devlin Road 233 acres</u>	<u>Same as above</u>	<u>18-hole golf course Driving range 12 employees</u>	<u>Approved 1/24/2006 Unbuilt</u>
<u>P05-0434/ 09-00100 P09-00101</u>	<u>Suscol Creek Winery</u>	<u>57-170-018 Suscol Ferry Rd. west of Hwy 29 10.32 acres</u>	<u>Mike Fennel P.O. Box 3274 Napa, Ca 94558</u>	<u>Modify previous approval to increase production from 200,000 gal/yr to 600,00 gal/yr; Increase floor area from 61,281 sq. ft. to 66,338 sq. ft.; Construct 7,500 sq. ft. of new floor area; Increase employees from 21 to 35; 55 parking spaces; 25 visitors/day; and Tentative Parcel Map to create airspace condominium units</u>	<u>Approved 6/17/2009 Used - Unbuilt</u>
<u>P05-0191 P07-00432</u>	<u>Napa Gateway Plaza Phase 2</u>	<u>57-200-004, 005, 014 Gateway Rd East/Devlin/Airport Blvd 9.8 acres</u>	<u>William Maston Architect &amp; Assc 384 Castro Street Mtn View, Ca 94041</u>	<u>66,473 sq. ft. hotel with 100 rooms, conference /meeting rooms, and other amenities; 107,578 square feet of retail, office and restaurant floor area, including 56,048 sq. ft. of retail, 10,348 sq. ft. of restaurant, and 41,182 sq. ft. of office floor area; 460 on-site parking spaces (Phases I &amp; II); Approx 222 full-time employees</u>	<u>Approved 7/19/06 Hotel completed</u>
<u>95643</u>	<u>Napa Gateway Plaza Phase 1</u>	<u>057-200-015 &amp; 016 3.12 acres</u>	<u>Same as above</u>	<u>16,216 sq. ft. bank/office building 4,664 sq. ft. gasoline station/convenience mart/fast food restaurant</u>	<u>Approved 8/5/98 Only bank /office building has been built</u>
<u>P06-01386</u>	<u>Rinker Batch Plant</u>	<u>57-110-037 Devlin Rd 2.9 acre portion of a</u>	<u>Rick McClish 5510 Skyline Blvd Suite 201</u>	<u>Small concrete batch plant 250 sq. ft. office 18 parking spaces</u>	<u>Approved 2/28/07.</u>

<u>Project#</u>	<u>Project Name</u>	<u>APN/Location/ Lot Size</u>	<u>Applicant</u>	<u>Project Description</u>	<u>Status</u>
		<u>12.6 acre site (the balance of site is developed)</u>	<u>Santa Rosa, Ca 95403</u>	<u>2 office employees 15 mixer trucks</u>	
<u>P05-0382</u>	<u>Teixeira Warehouses</u>	<u>57-152-006 152-154 Camino Oruga 2.55 acres</u>	<u>Pedro Teixeira CDCS Corp 167 Camino Dorado Napa, Ca 94558</u>	<u>36,475 sq. ft. of new warehouse buildings (addition to existing 1608 sq. ft. bldg and construct 2 new buildings) 54 parking spaces</u>	<u>Approved 10/4/06 Construction complete, occupancy not approved</u>
<u>P05-0252 P06-0081</u>	<u>Napa Bottling Center</u>	<u>57-240-012 655 Airpark Rd 15.69 acres</u>	<u>James Lunt Foster's/Beringer Blass Wine Estate 655 Airpark Rd Napa, Ca 94558</u>	<u>Convert existing 150,000 sq. ft. warehouse into a bottling bldg.; 12,190 sq. ft. office &amp; bottling addition. 21,197 sq. ft. processing &amp; warehousing addition. 57,635 sq. ft. warehouse addition. 131 full-time employees (3 shifts) 99 parking spaces (with a provision for another 226 if needed)</u>	<u>Approved 10/19/05 Under construction</u>
<u>P05-0069</u>	<u>Napa Valley Crossroads</u>	<u>57-190-022 21 Executive Way 15.6 acres</u>	<u>Napa Valley Crossroads PG, LLC 8413 Jackson Rd, #C Sacramento CA 95826</u>	<u>Construct two warehouse/distribution bldgs. (146,113 &amp; 163,537 sq. ft.) Approx. 50 full &amp; 10 part-time employees (3 shifts) Approx. 100 visitors busiest/day, 350 avg/week 320 parking spaces</u>	<u>146,112 sq. ft. bldg constructed 163,537 sq. ft. - construction complete, occupancy not approved.</u>
<u>99-151</u>	<u>Ziedman</u>	<u>58-060-008 &amp; 010 2400 Green Island Rd 9.3 acres</u>	<u>Phil Ziedman Matterhorn P.O. Box 5754 Santa Rosa, CA 95402</u>	<u>Establish concrete block mfg facility 5,300 sq. ft. 6 full-time employees 7 parking spaces</u>	<u>Approved- Used In for building permits</u>
<u>P06-0038</u>	<u>Lake Street Ventures</u>	<u>57-210-062 &amp; 063 NW/c Technology Wy &amp; Gateway Rd 3.09 acres</u>	<u>M &amp; M Gateway LLC 7995 Manasota Key Rd Englewood FL 34223</u>	<u>Construct two new spec industrial buildings with 20,640 sq. ft. each. Parcel Map to split into 14 industrial condo units. 141 parking spaces</u>	<u>Under construction.</u>

<u>P06-01532</u>	<u>Gateway Winery</u>	<u>57-250-029</u> <u>NW/c Technology</u> <u>Wy &amp; Morris Ct</u> <u>11.1 acres</u>	<u>Gateway Winery LLC</u> <u>c/o Kevin Teague</u> <u>DP&amp;F</u> <u>809 Coombs St</u> <u>Napa, CA 94559</u>	<u>Construct 261,000 sq. ft. (3</u> <u>bldgs) for a 600,000 gal/yr</u> <u>winery/distillery</u> <u>Approx 65 employees (2-3</u> <u>shifts)</u> <u>227 parking spaces</u> <u>30 visitors/day</u> <u>200 visitors/wk</u> <u>3 marketing events/month for</u> <u>250 people max.</u>	<u>Approved</u> <u>3/5/2008.</u>
<u>P06-01131</u>	<u>Zapolski Rudd</u> <u>Winery</u>	<u>57-250-028</u> <u>NW/c Devlin Rd &amp;</u> <u>Sheehy Ct</u> <u>2.5 acres</u>	<u>Zapolski/Rudd, LLC</u> <u>c/o John Bowman</u> <u>P.O. Box 670</u> <u>Napa, Ca 94559</u>	<u>Construct 34,510 sq. ft. for a</u> <u>120,000 gal/yr winery</u> <u>3 full/6 part-time employees</u> <u>28 parking spaces</u> <u>1-2 visitors/wk</u>	<u>Approved</u> <u>2/20/2008.</u>
<u>P07-00113</u>	<u>Napa Airport</u> <u>Corporate Center</u>	<u>57-090-076</u> <u>S. Kelly Rd/Devlin</u> <u>Rd/ Highway 29</u> <u>34.4 (portion)</u>	<u>Panattoni</u> <u>Justin Bennett</u> <u>8775 Folsom Blvd.,</u> <u>Suite #200</u> <u>Sacramento, Ca 95826</u>	<u>Construct 170,949 sq. ft. of</u> <u>light industrial floor area (4</u> <u>bldgs)</u> <u>Employees unknown</u> <u>271 parking spaces</u>	<u>Approved</u> <u>4/4/2008 -</u> <u>In for building</u> <u>permits</u>
<u>P08-00101</u>	<u>Rombauer</u> <u>Vineyards</u>	<u>57-240-015</u> <u>601 Airpark Road</u> <u>5.95 acres</u>	<u>Rombauer Vineyards,</u> <u>Inc.</u> <u>c/o Charles Meibeyer</u> <u>1236 Spring St.</u> <u>St. Helena, CA 94574</u>	<u>Construct a 25,200 sq. ft.</u> <u>addition to an existing 85,921</u> <u>wine storage facility to allow</u> <u>crush activities</u> <u>No tours/tasting or marketing</u> <u>activities proposed.</u>	<u>Approved</u> <u>5/27/2008.</u> <u>Under</u> <u>construction</u>
<u>P08-00329</u>	<u>Fosters Warehouse</u> <u>Expansion</u>	<u>57-240-013</u> <u>621 Airpark Rd</u> <u>6.85 acres</u>	<u>Ron Profili</u> <u>33 Old Coach Rd</u> <u>Napa, CA 94558</u>	<u>Construct a 19,120 sq. ft.</u> <u>addition to an existing 71,426</u> <u>sq. ft. building.</u> <u>73 new parking spaces</u>	<u>Approved</u> <u>8/11/2008 - In</u> <u>for building</u> <u>permits</u>
<u>P08-00221</u> <u>P08-00222</u>	<u>Busby Industrial</u> <u>Condo's</u>	<u>57-250-037</u> <u>SW/c Devlin Rd &amp;</u> <u>Sheehy Ct</u> <u>2.4 acres</u>	<u>Busby Enterprises</u> <u>455 Technology Wy</u> <u>Napa, Ca 94558</u>	<u>Construct a 27,677 sq. ft. spec</u> <u>industrial building. Parcel</u> <u>Map to split into 10 industrial</u> <u>condo units.</u> <u>20 full-time employees</u> <u>62 parking spaces</u>	<u>Approved</u> <u>10/1/2008.</u>
<u>P08-00312</u> <u>P08-00313/</u> <u>P09-00123</u>	<u>Greenwood</u> <u>Commerce Center</u>	<u>57-210-055 &amp; 056</u> <u>SW/c Airport</u> <u>Bldv/Devlin Rd</u> <u>20.7 acres</u>	<u>Napa Gateway</u> <u>Partners</u> <u>2841 Sunrise Blvd.,</u> <u>Suite200</u> <u>Gold River, CA 95670</u>	<u>Modify previous approval to</u> <u>construct 371,467 sq. ft. of</u> <u>office/light industrial floor area</u> <u>(3 buildings)</u> <u>60 full-time employees</u> <u>278 parking spaces.</u> <u>Parcel Map to create 4 lots.</u>	<u>Approved</u> <u>10/15/2008 -</u> <u>MOD</u> <u>P09-00123</u> <u>approved</u> <u>5/2009</u>

<u>Project #/ Planner</u>	<u>Project Name</u>	<u>APN/Location/ Lot Size</u>	<u>Applicant</u>	<u>Project Description</u>	<u>Status</u>
<u>P06-01535</u>	<u>Noorzay/Osman Auto Wrecking Yard</u>	<u>58-060-004 2600 Green Island Rd 3.0 acres</u>	<u>Fahim Noorzay Ishaq Osman 1578 Green Island Rd American Canyon, Ca 94503</u>	<u>Establish an auto wrecking yard w/1140 sq. ft. office/storage bldg. 4 employees</u>	<u>Approved 12/17/2008 In for building permits</u>
<u>P07-00412 P08-00131</u>	<u>Headwaters 218</u>	<u>57-090-069 Devlin Rd (Extension not constructed) 218.6 acres (portion)</u>	<u>Headwaters Construction, Inc. c/o Douglas Pope 50 Fullerton Ct #203 Sacramento, Ca 95825</u>	<u>Construct a 645,000 sq. ft. Spec. warehouse/distribution bldg. Approx 300 full-time employees (3 shifts) 370 parking spaces Parcel Map to create a 39.6 acre lot for the proposed warehouse.</u>	<u>Approved 1/7/2009 Used - Unbuilt</u>
<u>P08-00531</u>	<u>Napa Valley Gateway</u>	<u>57-200-027 &amp; 028 Southwest corner of Gateway Rd West &amp; Devlin Rd 6.87 acres</u>	<u>NVGL I, L.P.1 Charles Slutzkin 499 Devlin Rd Napa, CA 94558</u>	<u>Convert four existing buildings to airspace condominium units. No changes to the site plan, buildings, or permitted uses.</u>	<u>Approved 1/21/2009 Unbuilt</u>
<u>P08-00557</u>	<u>Turnkey Technologies</u>	<u>57-250-032 North side of Gateway Rd West opposite Technology Wy 2.41 acres</u>	<u>Satish &amp; Surekha Chohan 4650-A East 2nd St Benicia, CA 94510</u>	<u>Construct a 40,000 sq. ft. light industrial/office building. Approx 25 employees 71 parking spaces</u>	<u>Approved 3/4/2009 In for building permits</u>
<u>P08-00517</u>	<u>Tower Road Winery Co-Op Expansion</u>	<u>57-110-028 241 Tower Road 9.66 acres</u>	<u>Refrigerated Facility Design Build, Inc. 6630 Hwy 9, Ste 204 Felton, CA 95018</u>	<u>Construct a 12,500 sq. ft building addition connecting two wine warehousing /storage buildings. No new employees or visitors. No other changes.</u>	<u>Approved 4/1/2009 Unbuilt</u>
<u>P08-00435</u>	<u>Bin to Bottle</u>	<u>57-152-013 South side of Camino Dorado, West of S. Kelly Rd 1.05 acres</u>	<u>Michael McLoughlin 110 Camino Oruga Napa, CA 94558</u>	<u>Construct a 24,400 sq. ft. wine barrel &amp; bottled case goods storage building (in conjunction with an existing winery on adjoining property on Camino Oruga.</u>	<u>Approved 2/4/2009 Construction completed - occupancy not approved</u>
<u>P08-00654</u>	<u>Busby Winery</u>	<u>57-250-023 West side of Technology Way, south of Morris Ct. 1.28 acres</u>	<u>David Busby 455 Technology Way Napa, CA 94558</u>	<u>Construct a 18,162 sq. ft. building for a 50,000 gal/yr winery 3 to 11 full/part time employees 26 parking spaces No tours/tasting or marketing activities proposed</u>	<u>Approved 7/1/2009 Unbuilt</u>

# RECENT PROJECTS - PENDING

<u>Project#/Planner</u>	<u>Project Name</u>	<u>APN/Location/Lot Size</u>	<u>Applicant</u>	<u>Project Description</u>	<u>Status</u>
<u>P07-00864</u>	<u>Rombauer Vineyards</u>	<u>57-250-030</u> <u>NE/c Morris Ct &amp;</u> <u>Technology Wy</u> <u>13.2 acres</u>	<u>Rombauer Trust Inv,</u> <u>LLC, et. al</u> <u>c/o Meibeyer Law</u> <u>Group</u> <u>1236 Spring St.</u> <u>St. Helena, CA 94574</u>	<u>Construct a 130,000 sq. ft.</u> <u>facility for a 1,000,000 gal/yr</u> <u>winery</u> <u>28 parking spaces (55 spaces</u> <u>could be added if needed)</u> <u>25 employees</u> <u>No tours/tasting or marketing</u> <u>activities proposed</u>	<u>Incomplete/</u> <u>Pending</u>
<u>P08-00328</u>	<u>Napa Airport</u> <u>Corporate Center</u> <u>Phase 2</u>	<u>57-090-075</u> <u>SW of terminus of</u> <u>Devlin Rd/S Kelly Rd</u> <u>intersection</u> <u>17.24 acres</u>	<u>Panattoni</u> <u>Mike Kelley</u> <u>8775 Folsom Blvd.,</u> <u>Suite #200</u> <u>Sacramento, Ca 95826</u>	<u>Construct a 279,385 sq. ft</u> <u>warehouse/distribution</u> <u>building.</u> <u>Employees unknown</u> <u>213 parking spaces.</u>	<u>Pending</u>
<u>P08-00555</u>	<u>Napa Executive</u> <u>Management (Saks</u> <u>Office Building)</u>	<u>57-200-001 &amp; 009</u> <u>North end of</u> <u>Gateway Rd East</u> <u>cul-de-sac, east of</u> <u>Hwy 29</u> <u>4.33 acres</u>	<u>William Saks</u> <u>1010 Main Street</u> <u>St. Helena, CA 94574</u>	<u>Construct a 67,839 sq. ft. 3-story</u> <u>office building.</u> <u>Approx. 187 employees</u> <u>204 parking spaces</u>	<u>Incomplete/</u> <u>Pending</u>
<u>P09-00153</u>	<u>Walkenhorst</u> <u>warehouse/Office</u> <u>Building</u>	<u>57-210-022</u> <u>SW/c Technology</u> <u>Way/Technology Ct</u> <u>3.5 acres</u>	<u>Stewart Walkenhorst</u> <u>1774 Industrial Wy</u> <u>Napa, CA 94558</u>	<u>Construct a 30,158 sq. ft.</u> <u>warehouse/office building</u> <u>132 parking spaces</u> <u>60 employees</u>	<u>Pending</u>
<u>P07-00230</u>	<u>Napa Pipe</u>	<u>46-400-030 &amp;</u> <u>46-412-005</u> <u>NW of the SR 121/29</u> <u>junction</u> <u>154 acres</u>	<u>Napa Redevelopment</u> <u>Partners, LLC</u> <u>5 Third St, Ste 1014 San</u> <u>Francisco, Ca 94103</u>	<u>Establish a new neighborhood</u> <u>with:</u> <u>2,580 dwelling units;</u> <u>150-unit continuing care</u> <u>retirement center;</u> <u>40,000 sq. ft. of neighborhood</u> <u>serving retail/restaurant uses;</u> <u>190,000 sq. ft. of business park;</u> <u>150-room condominium hotel</u> <u>with supporting services;</u> <u>34 acres of publicly accessible</u> <u>parks &amp; open space with</u> <u>connections to Kennedy Park;</u> <u>privately-maintained roads,</u> <u>infrastructure &amp; community</u> <u>facilities.</u>	<u>Pending/Draft</u> <u>EIR prepared</u> <u>comment</u> <u>period ends</u> <u>1/21/2010</u>

<u>Project#/Planner</u>	<u>Project Name</u>	<u>APN/Location/Lot Size</u>	<u>Applicant</u>	<u>Project Description</u>	<u>Status</u>
P08-00337-SMP	Syar Napa Quarry Expansion	045-360-005, 046-370-012, -013, -015, -022, 025, 046-390-002, -003, and 046-450-057 2301 Napa Vallejo Hwy +290 acres	Svar Industries Inc. 2301 Napa Vallejo Hwy. P.O. Box 2540 Napa CA 94558	Approximate 290 acre expansion of existing quarry operation	Pending 12/14/09 Admin DEIR being prepared – circulation anticipated Fall 2010
P09-00176-ECPA	Suscol Mountain Vineyards	045-360-006, 045-360-007, 057-020-069, and 057-030-004  Approximately 1 mile east of Highway 221, approximately 1 mile north of Highway 12	SPP Napa Vineyards LLC 855 Bordeaux Way #100 Napa CA 94558	568-acre vineyard conversion	Pending 12/14/09 NOP circulation completed 11/24/09 – Admin draft EIR being prepared – circulation anticipated Fall 2010.
P08-00590-ECPA	Hill Family Vineyards	057-080-028 East side of Kirkland Ranch Road, approximately 0.15 miles north of its intersection with State Highway 12 31.8 acres	Hill Family Vineyards 1181 Regatz Lane Napa CA 94558	31.8 acre vineyard conversion	Pending 12/14/09 Draft Initial Study and proposed NMD to circulate asap

The scope of the Nickelson/OmniMeans project traffic impact analysis was established in consultation with Rick Marshall, Napa County's lead transportation engineer and Deputy Director of the Department of Public Works. Consistent with guidance provided by Rick Marshall in his capacity as chief traffic engineer, the project traffic impact analysis relied on the cumulative buildout traffic findings included in the County's ongoing Update of Airport Industrial Area Traffic Mitigation Fee Program. The Airport Industrial Area, in which the Napa 34 Commerce Center project is located, is currently subject to an adopted and County-mandated cumulative traffic impact mitigation fee program which is designed to provide funding for the planning and construction of local and regional transportation improvements within and adjacent to the Napa County Airport Industrial Area in anticipation of the development of, amongst others, the projects mentioned above. The current fee is \$3,551 per PM peak hour trip. The County is, however, in the process of updating the fee and is engaging in a thoroughgoing analysis of short, mid, and long-term cumulative traffic modeling as a component of that study. The Update of Airport Industrial Area Traffic Mitigation Fee Program considers and incorporates all of the above-noted approved and pending projects, specifically including Napa Pipe, in its cumulative impact scenarios. Not stopping there, the Update actually goes so far as to analyze complete buildout of the Airport Industrial Area, cumulative development outside of the Airport Industrial Area, and long term predicted regional traffic growth on nearby state highways.

As noted above, the Napa Pipe project has been included in the cumulative impact scenarios driving the Update of Airport Industrial Area Traffic Mitigation Fee Program. Despite the fact that Tom Brohard initially raised concerns

about a lack of consistency between Napa 34 Commerce Center's cumulative impact mitigations and those of the Napa Pipe project Draft Environmental Impact Report (DEIR) (available for review in the offices of the Napa County Department of Conservation, Development, and Planning), in his subsequent letter of May 17, 2010 Mr. Brohard finds that:

The (project) Traffic Study indicates the County of Napa did not require an analysis of cumulative conditions as an area-wide traffic study to accomplish this task and to update the County of Napa Traffic Impact Fee Program is nearly complete. In my telephone discussion on May 12, 2010, George Nickelson indicated an administrative draft of cumulative traffic conditions and the corresponding update of the Traffic Impact Fee Program was now being reviewed by County staff. From his experience in the area, Mr. Nickelson indicated the current fee of \$3,551 per PM peak hour trip will likely increase when the update is adopted. ... Assuming that the County of Napa continues all of the various components of their overall Traffic Impact Fee Program as they have historically done, it appears that the Napa 34 Holdings Commerce Center Project will be required to pay their "fair share" of the regional roadway improvements needed to mitigate the cumulative impacts of all projects in the area.

In addition, in his letter of May 22, 2010, Mr. Brohard confirms his (correct) understanding that "the study of cumulative traffic conditions, including Napa Pipe, was nearing completion, together with updating of the current traffic impact fee." Speaking directly to Napa Pipe and the conformity of the Napa 34 Commerce Center project, the Update of Airport Industrial Area Traffic Mitigation Fee Program, and Napa Pipe, George Nickelson's May 21, 2010 memo finds that, "there will ultimately be a consistent set of mitigation measures that address impacts associated with the Airport Industrial Area" and Napa Pipe.

With a combination of the project-specific mitigations identified below and a mitigation measure (also incorporated below) requiring payment of the project's "fair share" of traffic improvements as necessitated by the cumulative traffic impact analysis incorporated into the final adopted Update of Airport Industrial Area Traffic Mitigation Fee Program, there will be no residual individually or cumulatively significant traffic impacts associated with this project as regards traffic congestion and levels of service. All traffic impacts will be mitigated to a less than significant level.

- c. The project is fully compliant with the Napa Airport Compatibility Plan (please see HAZARDS AND HAZARDOUS MATERIALS, above) and will not have any impact on air traffic patterns.
- d.-e. The project includes construction of new driveways on Airport Boulevard and Devlin Road. The new driveways have been designed to comply with all County standards and the recommendations of the OmniMeans final project traffic study. In addition, the Department of Public Works stated the following in a memo addressing driveway access to the property dated February 16, 2010;

*As indicated in the project TIA project description, the parcel is divided into two development areas by an existing natural drainage way. The northern portion of the Napa Commerce Center Project (Project) is adjacent to Airport Boulevard and has approximately 450 feet of frontage on Devlin Road as it extends south from Airport Blvd. The access driveway for the northern portion is located immediately across from the access drive of the Greenwood Commerce center creating a driveway type intersection which supports left turn movements from Devlin Road. This is the only ingress/egress to the northern portion of the Project which provides approximately 380 parking spaces serving five buildings with office type uses. Inclusion of an access driveway from Airport Blvd. improves the overall access to the project area including emergency related responses to the project site.*

*The TIA also implies that inclusion of the access driveway on Airport Blvd. improves the function of the Devlin Road/Airport Blvd. intersection during PM peak hours and provides queuing on site. The location of the proposed driveway access on Airport Blvd is approximately 900 feet west of Highway 29/12/Airport*



Blvd. intersection, which is beyond the projected queuing length of 569-feet for PM peak hour traffic and provides enough distance to allow traffic to access the existing left, through and right turn lanes. Additionally, the location of the driveway is sufficient distance from Airport Blvd. to be virtually unaffected by the future improvements to Highway 29/12/Airport Blvd. intersection planned by Caltrans.

Additionally, consideration was given to addressing project circulation needs by incorporating an internal connection between the northern and southern portions of the site, such as with a bridge over the natural drainage way. The analysis showed that if such a connection were provided, it would actually encourage more of the site's traffic to use the northerly site entrance on Devlin than would be the case without it. This would actually exacerbate the adverse effect on the Devlin/Airport Blvd. intersection.

Because of these unique circumstances associated with this project, inferior alternatives and the apparent improved operation of the Devlin Road/Airport Blvd intersection, Public Works supports the inclusion of a right turn only limited access driveway on Airport Blvd.

In addition to the above Department of Public Works review, the Napa County Fire Marshal has reviewed this application and identified no significant impacts. Impacts related to safety and the proposed Airport Boulevard project driveway are expected to be less than significant. However, a potentially significant impact related to traffic safety at the Airport Boulevard and Devlin Road intersection was identified by Carpenters Local 751 in their lengthy response to the initial draft project mitigated negative declaration. In his memo of April 19, 2010 (Review of the Mitigated Negative Declaration, Initial Study Checklist, Use Permit, and Final Traffic Impact Analysis for the Napa 34 Holdings Commerce Center in the County of Napa – Traffic Issues, Tom Brohard, April 19, 2010), which was attached to the Local 751 comment letter, Tom Brohard identifies the following:

In addition to providing the northbound right turn green arrow overlap which will run concurrently with the westbound dual left turns, it will also be necessary to prohibit westbound to eastbound U-turns at this intersection to eliminate protected conflicting turn movements.

County traffic engineer Rick Marshall has reviewed the proposed signalization improvements at the Airport Boulevard / Devlin Road intersection and confirms that Mr. Brohard's analysis is correct. As a result, a mitigation measure prohibiting westbound to eastbound U-turns has been incorporated below. As analyzed in the project traffic study, and in the Department of Public Works opinion incorporated above, and as mitigated consistent with Mr. Brohard's comment regarding U-turn restrictions, project impacts related to traffic hazards and emergency will be less than significant.

- f. The project includes 740 automotive parking spaces, plus a further 80 bicycle parking spaces (of which 32 will be covered and in all likelihood comprised of bike lockers) The Airport Industrial Area Specific Plan would require 750 parking spaces, meaning that a waiver from parking requirements is technically required for this project. A shortfall of ten parking spaces, especially in a project of this scale, is not deemed a potentially significant impact. On-site parking should be more than adequate.
- g. The proposed project includes significant new bike lane and bike parking facilities and does not conflict with any policies or plans supporting alternative transportation.

#### Mitigation Measures:

- 13-14. Prior to County authorization of a building permit, the permittee shall submit payment of Napa County's traffic mitigation fee in accordance with the Board Resolution then-operative, fees may be based on the number of vehicle trips generated by the project in the PM peak traffic period as established via the project traffic study or via any other measure duly adopted as part of the pending Update of Airport Industrial Area

Traffic Mitigation Fee Program. The permittee acknowledges that the finding of less than significant cumulative traffic impacts in this mitigated negative declaration rests on the cumulative analyses undertaken as a component of the Update of Airport Industrial Area Traffic Mitigation Fee Program and agrees to pay the updated fee as then-required should it be adopted and operative prior to the issuance of a building permit for any project structure.

Method of Mitigation Monitoring: This Mitigation Measure requires deposit of required traffic impact mitigation fees prior to the issuance of a building permit. If required fees are not submitted, no building permit will be issued.

- 14.15. 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," thereby limiting in/out maneuvers adjacent to impacted drive aisle curves:
- five parking spaces at the northeast corner of Building F on the entrance curve;
  - two parking spaces at the southeast corner of Building F on the exit curve;
  - five parking spaces at the northwest corner of Building H on the entrance curve; and
  - three parking spaces at the southeast corner on Building H on the inside curve.

Method of Mitigation Monitoring: No certificate of occupancy will be issued for the project unless the requirements of this mitigation measure have been complied with.

- 15.16. The project shall incorporate the turn lane construction, road widening, and other improvements at and adjacent to the Airport Boulevard/Devlin Road intersection outlined under "Airport Boulevard/Devlin Road Intersection" at page 21 of the final project traffic study, with the exception that westbound to eastbound U-turns at the Airport Boulevard/Devlin Road intersection shall be restricted to eliminate protected conflicting turn movements.

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works, along with other relevant agencies. No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

- 16.17. As discussed in the project 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.

Method of Mitigation Monitoring: Monitoring and implementation of this mitigation measure will have to be built in to any program, adopted at some later date, to require contributions to signalization projects then-undertaken. In the interim, traffic mitigation fees are required and if required fees are not submitted, no building permit will be issued.

- 17.18. The project shall incorporate improvements to signals at the Airport Boulevard/Devlin Road to create a "northbound right-turn overlap phase" as outlined under "Airport Boulevard" at page 22 of the final project traffic study.

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review

and approval of the Departments of Planning and Public Works (along with other relevant agencies). No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

18.19. 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 of March 3, 2010. To wit, "the project must include extending the existing northbound left turn lane at the state route 29/Airport Boulevard intersection in order to accommodate the Plus Project queue;" and, "please be reminded that a left turn lane requires both storage and deceleration length."

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works and the California Department of Transportation. No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES and SERVICE SYSTEMS. Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion:

- a. The project will occur within an urbanized area and connect to a publicly maintained wastewater treatment system. The wastewater provider, Napa Sanitation District, has provided a "will serve" letter incorporating a number of significant conditions including formal annexation in to the district. As conditioned, Napa Sanitation District has found the project to be in compliance with their master plans. The District's wastewater treatment plant complies with all water quality discharge requirements; the project will comply with regional water quality control standards.
- b. The project will not require construction of any new water or wastewater treatment facilities that will result in a significant impact to the environment. The project site is located in an area planned for industrial development and existing water and wastewater treatment facilities have been sized to accommodate the proposed project. The proposed project would require new pipelines at the site to connect to existing supply pipelines that ultimately tie back into the City of American Canyon's water treatment plan. Additionally, an existing 14" water main, which runs on and adjacent to the eastern end of the subject property adjacent to CA-29 is proposed to be abandoned in favor of a new alignment running underneath the Devlin Road extension and back up to S.R.29 under Airport Boulevard. The project would also install purple irrigation pipe so that reclaimed water supplied by the Napa Sanitation District could ultimately be used for landscape irrigation demand. Use of reclaimed water for irrigation will ultimately reduce the use of treated water provided by the City of American Canyon. The City's tandem water treatment plants have a maximum capacity of 5.5 million gallons per day (mgd). In addition, American Canyon has a potable water connection to the City of Vallejo water system that provides up to 1.3 mgd for a total current production capacity of 6.8 mgd.

Quoting from the *Napa Commerce Center Water Supply Report* (Michael Throne, City of American Canyon Department of Public Works, October 2009);

*Additional treatment capacity is needed to achieve the General Plan EIR peak day demand estimate of 10.0 mgd. The membrane plant was designed to accommodate an additional 3.0 mgd expansion within the existing structure. This is included in the capital fee program. Expansion (of) the North Bay Aqueduct... would be needed to meet the peak day flow requirements for this additional treatment. Under this approach, the total treatment plant capacity would be 8.5 mgd. The remaining 1.5 mgd of peak treated water capacity could come from the City of Vallejo through the (existing) water supply contract... The Vallejo contract currently provides up to 1.3 mgd of peak day capacity during a peak month, which would be more than adequate to meet the treatment gap. If all of the remaining options were executed, the Vallejo contract would provide up to 3.1 mgd of peak day capacity during a peak month. An additional metering system would be needed to deliver this water to the City of American Canyon distribution system; this metering station is included in the capacity fee capital program.*

*The City of American Canyon also enjoys a physical connection to the City of Napa's treated water supply. Currently, the City of Napa treated water is provided on an informal basis in the absence of an agreement. On June 17, 2008, the City Council approved a one-year agreement with the City of Napa to treat and wheel water on behalf of the City of American Canyon. The City of American Canyon and the City of Napa have recently agreed to extend the agreement for another year. The agreement provides up to 1 mgd of treatment capacity in normal circumstances and up to 2.25 mgd when the North Bay Aqueduct is out of service.*

As analyzed above and in the attached City of American Canyon water study, foreseeable water treatment system improvements potentially required by the cumulative results of this project would be limited to a 3.0 mgd capacity increase within one of the two existing City of American Canyon water treatment facilities. That capacity

increase was designed into the facility when it was first constructed and will not necessitate the physical expansion of the treatment plant or cause any potentially significant environmental impacts. As the City of Napa and the City of Vallejo have contracted to provide excess treated water to the City of American Canyon from their existing over-ample systems, no water treatment expansions would foreseeably or cumulatively result from this project in those networks. Impacts related to water treatment will be less than significant.

- c. The project incorporates an integrated approach to stormwater management and drainage in which on-site stormwater flows are pretreated and then allowed to drain into the preserved on-site wetland in a way that mimics natural flows. The proposed system, which is detailed in the applicant's March 2010 *Stormwater Management Plan* and in their *Preliminary Drainage Report* of the same date, has been vetted by both the Department of Public Works and the San Francisco Bay Regional Water Quality Control Board and both agencies have voiced initial support for the proposed system's somewhat novel (at least for Napa County) combined approach to stormwater management and wetland enhancement. The project will ultimately discharge stormwater into an approved storm drainage system designed to accommodate the drainage from this site. Given that the permittee will be required to obtain a stormwater permit from the Regional Water Quality Control Board, via a program which is in-part administered by the County Department of Public Works, ample opportunity is provided for both agencies to fine tune the details of the conceptual system as it progress into a built reality. The Department of Public Works will incorporate conditions of approval requiring that the drainage system be designed to avoid diversion or concentration of storm water runoff onto adjacent properties. Environmental impacts related to the construction of new drainage facilities will be less than significant.
- d. The subject parcel is within the City of American Canyon water service area and will receive treated water from the City of American Canyon water system, managed by that City's Department of Public Works. According to the City's project *Water Supply Report*, the American Canyon *Urban Water Management Plan* estimated a water demand of 25 acre-feet per year (afy) for the subject property. As this project is estimated to use 12 afy, the project is well within the City's programmed water demand. According to the submitted *Water Supply Report*, adequate water supplies are, or can be made, available to meet this projected demand.

A summary of information contained in the City of American Canyon's *Water Supply Report* prepared for this project is included below. This report greatly assisted the County in completing this initial study and complying with *Vineyard Area Citizens for Responsible Growth* requirements, which establish guidelines for evaluating the water supply of a project under the California Environmental Quality Act. *Vineyard* 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.

The City completed an Urban Water Management Plan in January 2006. The Urban Water Management Plan incorporated the project site as an industrial use. Potable water allocated to this site in the Urban Water Management Plan as an industrial use was 10,800 gallons per day. As summarized in the American Canyon Urban Water Management Plan (2006), the City's water supply is from the following sources:

- State Water Project (SWP) water;
- Permit water (raw water) from the City of Vallejo;
- Treated water from Vallejo;
- Treated water from the City of Napa; and
- Recycled water from the City of American Canyon's treatment plant.

The State Water Project (SWP) delivers the City's raw water supply in the North Bay Aqueduct (NBA). The City's entitlement of 4,700 afy in 2005 will increase annually by 50 to 100 afy, to 5,200 afy in 2015. SWP water is not proposed to increase after 2015. The City of American Canyon Water Treatment Plant treats the SWP water or it is delivered as raw water to the customers who use it for irrigation. The Urban Water Management Plan finds that,

as of 2005, the City of American Canyon would experience a shortfall in water supplies in multiple dry years of up to 427 acre-feet and single-dry-years of up to 897 acre-feet. By the year 2015, the City of American Canyon would experience a shortfall in multiple dry years of up to 1,037 acre-feet and in single dry years of up to 1,557 acre-feet.

In order to mitigate these single dry years, and multiple dry year events shortages for the long term, the City of American Canyon has undertaken a comprehensive Integrated Water Management Plan (IWMP) that will identify potential additional water supply solutions and increase the flexibility of its system. Additionally, the City of American Canyon is implementing an aggressive water conservation program to reduce water demands throughout the City. The County supports the water conservation efforts being employed by the municipal water service provider, and has included conservation mitigation measures, below, necessary to reduce the project's contribution to these potentially significant water supply impacts.

As noted elsewhere, a project specific *Water Supply Report* was prepared in October 2009 by the City's Public Works Department to address a range of topics, including:

- The subject project's water service request;
- Consistency with the Urban Water Management Plan;
- Water footprint/zero water footprint;
- Project contribution to water capacity fee and improvements;
- Capital improvement program status for water supply and water treatment;
- *Vineyard* analysis;
- Recommended mitigations; and
- Opportunities to reduce the project's water footprint.

The subject project's average daily water demand, including domestic/potable and industrial water, is estimated to be 10,800 gallons per day. Total irrigation demand is proposed to be met using reclaimed water provided by Napa Sanitation District. As a result, the total annual demand based on an average of 10,800 gallons per day would be 12 afy. The total maximum daily water demand will be 16,200 gallons per day. According to the *Water Supply Report*, these estimates are considered reasonable.

On October 23, 2007, the City Council of the City American Canyon adopted the following definition of Zero Water Footprint (ZWF);

*No loss in water service reliability or increase in water rates to the City of American Canyon's existing customers due to the requested increased demand for water in the City's water service area.*

Appendix A of the *Water Supply Report* is a flow chart of the process for water service requests considered by the City of American Canyon as part of their policy decision on Zero Water Footprint. The project does not have a zero water footprint. It would result in a loss in water service reliability of American Canyon water service due to the increased annual water demand without an offsetting source of supply.

The Urban Water Management Plan finds that, as of 2005, the City of American Canyon would experience a shortfall in water supplies in multiple-dry-years of up to 427 acre-feet and in single-dry-years of up to 897 acre-feet. Due to increased demand, the shortfall would worsen even as additional supplies are obtained. By the year 2015, the City of American Canyon would experience a shortfall in multiple-dry-years of up to 1,037 acre-feet and in single-dry-years of up to 1,557 acre-feet. By contributing to this shortfall, the project would function to reduce the reliability of American Canyon water service.

A complete *Vineyard* analysis is included in the attached *Water Supply Report* at pages 14-16, and is incorporated herein by reference. Mitigation measures as included in the project *Water Supply Report*, which will mitigate impacts on water supplies to a less than significant level, are enumerated below. Additional mitigation measures, based on those identified by Matt Hagemann, P.G. in his letter of May 11, 2010 (Review of Supplemental Mitigation, Napa 34 Holdings Project, Napa County, California), which are designed to further mitigate impacts related to water services reliability, are also incorporated below.

- e. See response "a." above.
- f. The proposed project will be served by a landfill with sufficient capacity to meet the projects demands. No significant impact will occur from the disposal of solid waste generated by the proposed project.
- g. The proposed project will comply with federal, state, and local statutes and regulations related to solid waste.

**Mitigation Measures:**

- 1620. The permittee shall pay all updated water capacity and impact fees to provide funding for the City of American Canyon to acquire additional long-term water resources and improve and develop its treatment and distribution system. The fees will allow for the City to exercise additional options for potable water capacity from the City of Vallejo and/or other sources, and will also provide for implementation of the recycled water system, helping to reduce the impact of additional water demand to a less than significant level.

Method of Mitigation Monitoring: Payment of fee is required prior to the issuance of a building permit.

- 1721. The project shall contribute to City of American Canyon Short-term Water Supply Mitigation, as set forth in the City's *Water Supply Report*, pages 16 and 17, Table 2, as non-refundable payments to the water operations fund to allow the City to acquire dry year water if necessary. If the long-term mitigations are not in place prior to the 2011-2012 water year, the project shall continue to make annual non-refundable payments until the short-term impacts are mitigated by completion of long-term improvements.

Method of Mitigation Monitoring: Payment of fee is required prior to the issuance of a building permit.

- 22. The permittee shall ensure that landscaping for the project employs native, drought-tolerant plant species to the greatest extent practicable, provided that such landscaping shall not conflict with those mitigations and project specifications addressing existing and proposed on-site wetlands.

Method of Mitigation Monitoring: Final landscape plans are required to be submitted for the review and approval of the planning director prior to building permit approval.

- 23. The permittee shall install water-conserving plumbing fixtures that maximize efficiency and water conservation in project buildings. These shall include, without limitation, dual-flush toilets, and ultra low-flush or waterless urinals.

Method of Mitigation Monitoring: Final plumbing details are required to be submitted for the review and approval of the planning director and building official prior to building permit approval.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a. The **BIOLOGICAL RESOURCES** section indicates that there is a possibility of state or federally protected species occurring in the vicinity of the site. Mitigation Measures are proposed to protect those species and no further effects are expected if all mitigation measures are implemented. No historic or prehistoric resources are anticipated to be affected by the proposed project. The project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- b. As mitigated herein, the subject project does not have impacts that are individually limited but cumulatively considerable. Potential impacts related to traffic and utilities are discussed in their respective sections above. The project would also increase the demands for public services to a limited extent, increase housing demand, and increase traffic and air pollution, all of which contribute to cumulative effects when future development along Highway 29 is considered. Cumulative impacts of these issues are discussed and mitigated, as necessary, in the relevant sections of this initial study (for example: **AIR QUALITY, POPULATION & HOUSING, TRANSPORTATION/TRAFFIC, and UTILITIES & SERVICE SYSTEMS**).
- c. Having thoroughly reviewed the project and completed the above initial study, as mitigated herein, we find no environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

**Enclosures:**



*The following documents are enclosed herein.*

Project Revision Statement and Mitigation Monitoring and Reporting Program

Site Location Map (USGS Base Map)

Site Plan

**Attachments:**

*The following documents are attached as relevant.*

**Attachment A** - URBEMIS Annual Emissions Modeling Report (Cahill run, 3.3.2010)

**Attachment B** - URBEMIS Full Modeling Report (Clark run, 4.19.2010)

**Attachment C** - North Fork Associates, *Biological Resources Assessment*, June 1, 2009 (sans appendices)

**Attachment D** - OmniMeans Engineering and Planning, *Napa Commerce Center Light-Industrial Project Traffic Impact Analysis - Final Report*, February 2010 (sans appendices)

**Attachment E** - Michael Throne, City of American Canyon Department of Public Works, *Napa Commerce Center Water Supply Report*, October 2009 (sans appendices)

**Attachment F** - Richard Drury, *RE: Mitigated Negative Declaration for Napa 34 Commerce Center Use Permit and Variation to Development Standards Application No. P09-00329-UP and TPM and LLA Application No. P09-00330-TPM; SCH Number 2010032066, May 23, 2010 (including Brohard [Traffic], Nickelson [Traffic], and Hagemann [Air Quality, Hydrology] appendices.)*

**Attachment G** - Richard Drury, *RE: Mitigated Negative Declaration for Napa 34 Commerce Center Use Permit and Variation to Development Standards Application No. P09-00329-UP and TPM and LLA Application No. P09-00330-TPM; SCH Number 2010032066, June 2, 2010 (including Clark and Hagemann [Air Quality, Hydrology] appendix.)*



**Project Revision Statement & Mitigation Monitoring and Reporting Program**  
(Environmental Review)

Napa 34 Holdings Commerce Center

Use Permit and Variation to Development Standards Application № P09-00329-UP and  
Tentative Parcel Map and Lot Line Adjustment Application № P09-00330-TPM  
Assessor's Parcel №: 057-210-056  
No Current Address, the Napa-Vallejo Highway, Napa, Calif. 94558

I hereby revise my request to include the mitigation measures specified below:

**AIR QUALITY**

1. The permittee shall incorporate the following BAAQMD construction-related emissions management practices into all construction-phases of the subject project:
  - a. Water all active construction areas at least twice daily.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - g. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
  - h. Limit traffic speeds on unpaved roads to 15 mph.
  - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - j. Replant vegetation in disturbed areas as quickly as possible.
  - k. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
  - l. Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
  - m. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
  - n. Limit the area subject to excavation, grading and other construction activity at any one time.
  - o. Idling times shall be minimized, either by shutting off equipment when not in use or by reducing the maximum idling time to 5 minutes (as required by California airborne toxics control measure Title 12, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
  - p. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - q. Post a publicly visible sign with the telephone number and person to contact at the Planning Department regarding dust complaints. The person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**Method of Mitigation Monitoring:** Prior to the issuance of a building or grading permits, the applicant's contractor shall submit a construction-related emissions best management practices program, incorporating (without limitation) all of the above requirements for the review and approval of the Planning Division. Site inspections

undertaken by the Planning Division, the Building Division, and the Department of Public Works will ensure compliance with the approved best management practices program.

2. The permittee shall require in its construction contracts that all construction equipment used as a component of the project be powered by one of the following alternative fuels: biodiesel, biodiesel blend, electricity, or natural gas. Exception to the foregoing may be made only where construction equipment capable of utilizing such alternative fuels is verifiably not available to the relevant contractor through the exercise of reasonable diligence.

Method of Mitigation Monitoring: Prior to the issuance of a building or grading permits, the permittee shall submit copies of contractor and sub-contractor contracts (as relevant) requiring compliance with the above mitigation for the review and approval of the Planning Director. Site inspections undertaken by the Planning Division, the Building Division, and the Department of Public Works may further ensure compliance with the requirement.

3. The permittee, or their successors in interest, shall purchase and retire 800 metric tons of carbon dioxide offset credits per year for ten years (total of 8,000 metric tons) from the Chicago Climate Exchange, beginning in or before the year in which the project receives its first Certificate of Occupancy from the Napa County Building Official.

Method of Mitigation Monitoring: Prior to the issuance of a certificate of occupancy, the permittee shall submit evidence of credit purchase and retirement for the review and approval of the Planning Director. Evidence of additional required purchase and retirement shall be provided annually thereafter for a period of ten years. Failure to purchase and retire said credits shall subject the permittee to use permit revocation, civil penalties, or other enforcement actions as then deemed necessary by the County.

4. In conjunction with the construction of project buildings, the permittee shall design all structures to accommodate solar arrays to the greatest extent possible- including building structural design, roofing materials, building wiring and the like, Final solar compatibility plans shall be submitted for the review and approval of the Planning Director prior to any relevant building permit approval.

Method of Mitigation Monitoring: This mitigation measure requires submittal of required plans and/or specifications prior to the issuance of a building permit. If the mitigation measures are not complied with, no building permit will be issued.

## **BIOLOGICAL RESOURCES**

5. To avoid potential losses to nesting raptors, migratory birds protected under the Migratory Bird Treaty Act, and special status bird species, construction activities shall occur outside the critical breeding period from March through August. If construction is proposed to occur during the breeding period, the site shall be surveyed for active nests by a qualified Biologist no more than 30 days prior to commencing construction activities. If active nests are found, the nest location and a buffer area designated by the biologist in consultation with the California Department of Fish and Game shall be established, and those areas shall be avoided until the nest has been vacated. If no nests are found on or adjacent to the project site, tree removal could proceed without further survey.

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 the beginning of March through August. The survey results shall be provided to the Napa County Conservation, Development, and Planning Department (Planning Department). In the event that nesting sites are found, the nest location and a buffer area designated by the biologist in consultation with the California Department of Fish and Game shall be mapped, and no work shall be undertaken in buffer until the nest has been vacated.

6. To avoid potential losses to the Western Burrowing owl, a nesting survey shall be conducted by a qualified Biologist no more than 30 days prior to commencing construction activities. If active nests are found, a nest location and a buffer area shall be designated by the biologist in consultation with the California Department of Fish and Game. Buffers shall be maintained around any active nests and burrows at all times of the year. A site

specific proposal for surveys shall be submitted for the review and approval of the Department of Fish and Game prior to implementation. Surveys shall additionally comply with requirements 1-7 at pages 2 and 3 of the Department of Fish and Game's comment letter of April 15, 2010. If no nests are found on the project site construction activities could proceed without further survey.

Method of Mitigation Monitoring: The permittee shall have a nesting western Burrowing owl survey completed prior to any construction activities. The survey results shall be provided to the Napa County Conservation Development and Planning Department. In the event western burrowing owls are found to occur on-site, buffers shall be established and maintained consistent with Department of Fish and Game policies and protocols.

7. In order to mitigate for the loss of Swainson's hawk foraging habitat, prior to the issuance of a building or grading permit, the project proponents shall either provide 0.75 acres of land for each acre of urban development authorized by this project as permanent protected Swainson's hawk foraging habitat (lands shall be protected in perpetuity and should provide for the long-term management of the lands by funding a management endowment) or other mitigation as deemed acceptable by the California Department of Fish and Game.

Method of Mitigation Monitoring: Mitigation Measure No 7 requires compliance with DFG mitigation requirements prior to the issuance of a building or grading permit. If the mitigation measures are not complied with, no development permit will be issued.

8. Prior to issuance of a building or grading permit the project proponent shall provide documentation from the Army Corps of Engineers indicating that one or more of the following measures will, or has, occurred and is, or will, be considered mitigation to address proposed conversion of jurisdictional wetlands.
  - a. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, on the project site by enhancing existing wetlands or creating new wetlands to provide for no net loss of wetlands function. The applicant's biologist indicates on site mitigation using proposed drainage facilities such as a detention basin or vegetated swales is a viable option for restoring wetlands function although the acceptability of such to the Corps and/or RWQCB cannot be guaranteed; or,
  - b. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by off-site creation or enhancement of wetlands in Napa County consistent with state and federal policies providing for no net loss of wetland function; or
  - c. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by purchase of wetlands creation or preservation credits in an existing or future wetlands bank that "services" Napa County, consistent with state and federal policies providing for no net loss of wetland function; or
  - d. Mitigate for wetlands fill, in a ratio acceptable to the Corps and/or RWQCB, by financial participation in an existing wetlands enhancement or creation project in Napa County sponsored by a state, federal or County agency such as the Napa County Resource Conservation District (RCD) consistent with state and federal policies providing for no net loss of wetland function. Or,
  - e. a combination of the above measures, which in aggregate meets the prescribed ratio dictated by the Corps and/or RWQCB.

Method of Mitigation Monitoring: Any required wetland mitigation shall be in place prior to the issuance of building or grading permits. The project proponent shall demonstrate to the satisfaction of the Planning Department that all wetland mitigation has been approved by the Corps and has been initiated. The terms and conditions of wetland protection, replacements and performance criteria are subject to Corps concurrence and may be modified.

9. Prior to issuance of a building or grading permit, the project proponent shall provide documentation from the California Department of Fish and Game that a 1602 permit has been issued or that said department does not deem such permitting necessary. The terms and conditions of that permitting are subject to Fish and Game concurrence and may be modified as deemed necessary by that department.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of evidence of project compliance with DFG 1602 permit requirements prior to the issuance of a building or grading permit. If such evidence is not submitted, no development permit will be issued.

10. Prior to issuance of a building or grading permit, the project proponent shall submit final revised landscape plans which include in-like-kind replacement of all trees to be removed as a result of the project for the review and approval of the Planning Director. Tree replacement shall occur at a ratio of 3:1 if replacement trees are smaller than 24" box in size or at a ratio of 2:1 if replacement trees are sized at 24" box or greater. The final determination as to whether or not proposed replacement plantings are "in-like-kind" shall be made by, and solely at the discretion of, the Planning Director or her designee.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of final revised landscape plans incorporating replacement tree details prior to the issuance of a building or grading permit. If such plans are not submitted, no development permit will be issued.

## HYDROLOGY AND WATER QUALITY

11. Prior to the issuance of a building permit, a grading permit, or the recordation of a final parcel map, the permittee shall submit a binding drainage system/wetland maintenance plan for the review and approval of the Departments of Public Works and Planning. The submitted plan shall stipulate an ongoing maintenance regime (including, without limitation, financing details and implementation/enforcement measures such as CC&Rs and/or third party conservations easements) for the integrated project area wetland and drainage system. The wetland shall be restored and revegetated to improve habitat for animals associated with the wetland ecosystem. Permanent restricted-access buffer zones shall be established around the protected wetland as shown in submitted plans or otherwise as consistent with the site-specific requirements of the Regional Water Quality Control Board; incidental human traffic through or interference in these zones shall be restricted through fencing or other barriers acceptable to the Planning Director and the Regional Water Quality Control Board. Revegetation within the wetland and wetland buffer areas shall consist of appropriate native plants. No chemical spraying shall be allowed in the wetland or wetland buffer areas. The submitted maintenance plan shall be consistent with the *Napa County Post Construction Runoff Management Requirements* manual adopted by the Board of Supervisors on June 3, 2008, and in particular with Chapter 5 at p. 14, Implementation and Maintenance of Requirement.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of an acceptable maintenance plan prior to the issuance of a building or grading permit or the recordation of a final parcel map. If such plans are not submitted or are not approvable, no parcel map may be recorded and no development permit will be issued.

12. Prior to the issuance of a building permit or a grading permit the permittee shall retain a qualified third-party consultant to develop a stormwater pollution prevention plan (SWPP) in conformance with all applicable requirements of the State Porter Cologne Water Quality Act (Cal. Water Code §§ 13000-14598) and the Federal Clean Water Act (13 U.S.C. 1251 et seq) for the review and approval of the Director of Public Works.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of an acceptable maintenance SWPP prior to the issuance of a building or grading permit. If the SWPP is not submitted or is inadequate, no development permit will be issued.

## PUBLIC SERVICES

13. Prior to the issuance of a building or grading permit, the permittee shall submit final fire hydrant plans for the review and approval of the Fire Marshal.

Method of Mitigation Monitoring: This Mitigation Measure requires submission of acceptable hydrant plans prior to the issuance of a building or grading permit. If such plans are not submitted or are not approvable, no development permit will be issued.

## TRANSPORTATION/TRAFFIC

14. Prior to County authorization of a building permit, the permittee shall submit payment of Napa County's traffic mitigation fee in accordance with the Board Resolution then-operative, fees may be based on the number of vehicle trips generated by the project in the PM peak traffic period as established via the project traffic study or via any other measure duly adopted as part of the pending *Update of Airport Industrial Area Traffic Mitigation Fee Program*. The permittee acknowledges that the finding of less than significant cumulative traffic impacts in this mitigated negative declaration rests on the cumulative analyses undertaken as a component of the *Update of Airport Industrial Area Traffic Mitigation Fee Program* and agrees to pay the updated fee as then-required should it be adopted and operative prior to the issuance of a building permit for any project structure.

Method of Mitigation Monitoring: This Mitigation Measure requires deposit of required traffic impact mitigation fees prior to the issuance of a building permit. If required fees are not submitted, no building permit will be issued.

15. 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," thereby limiting 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.

Method of Mitigation Monitoring: No certificate of occupancy will be issued for the project unless the requirements of this mitigation measure have been complied with.

16. The project shall incorporate the turn lane construction, road widening, and other improvements at and adjacent to the Airport Boulevard/Devlin Road intersection outlined under "Airport Boulevard/Devlin Road Intersection" at page 21 of the final project traffic study, with the exception that westbound to eastbound U-turns at the Airport Boulevard/Devlin Road intersection shall be restricted to eliminate protected conflicting turn movements.

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works, along with other relevant agencies. No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

17. As discussed in the project 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.

Method of Mitigation Monitoring: Monitoring and implementation of this mitigation measure will have to be built in to any program, adopted at some later date, to require contributions to signalization projects then-undertaken.

In the interim, traffic mitigation fees are required and if required fees are not submitted, no building permit will be issued.

18. The project shall incorporate improvements to signals at the Airport Boulevard/Devlin Road to create a "northbound right-turn overlap phase" as outlined under "Airport Boulevard" at page 22 of the final project traffic study.

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works (along with other relevant agencies). No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

19. 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 of March 3, 2010. To wit, "the project must include extending the existing northbound left turn lane at the state route 29/Airport Boulevard intersection in order to accommodate the Plus Project queue;" and, "please be reminded that a left turn lane requires both storage and deceleration length."

Method of Mitigation Monitoring: No building or grading permit shall be issued for this project until a final improvement plan implementing the requirements of this mitigation measure has been submitted for the review and approval of the Departments of Planning and Public Works and the California Department of Transportation. No certificate of occupancy will be issued for the project until the physical requirements of this mitigation measure have been complied with.

#### UTILITIES and SERVICE SYSTEMS

20. The permittee shall pay all updated water capacity and impact fees to provide funding for the City of American Canyon to acquire additional long-term water resources and improve and develop its treatment and distribution system. The fees will allow for the City to exercise additional options for potable water capacity from the City of Vallejo and/or other sources, and will also provide for implementation of the recycled water system, helping to reduce the impact of additional water demand to a less than significant level.

Method of Mitigation Monitoring: Payment of fee is required prior to the issuance of a building permit.

21. The project shall contribute to City of American Canyon Short-term Water Supply Mitigation, as set forth in the City's *Water Supply Report*, pages 16 and 17, Table 2, as non-refundable payments to the water operations fund to allow the City to acquire dry year water if necessary. If the long-term mitigations are not in place prior to the 2011-2012 water year, the project shall continue to make annual non-refundable payments until the short-term impacts are mitigated by completion of long-term improvements.

Method of Mitigation Monitoring: Payment of fee is required prior to the issuance of a building permit.

22. The permittee shall ensure that landscaping for the project employs native, drought-tolerant plant species to the greatest extent practicable, provided that such landscaping shall not conflict with those mitigations and project specifications addressing existing and proposed on-site wetlands.

Method of Mitigation Monitoring: Final landscape plans are required to be submitted for the review and approval of the planning director prior to building permit approval.

23. The permittee shall install water-conserving plumbing fixtures that maximize efficiency and water conservation in project buildings. These shall include, without limitation, dual-flush toilets, and ultra low-flush or waterless urinals.



Method of Mitigation Monitoring: Final plumbing details are required to be submitted for the review and approval of the planning director and building official prior to building permit approval.

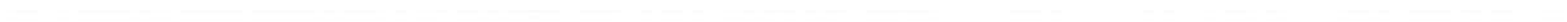
*I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of §66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.*

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Signature of Owner

Print Name

Interest



**Attachment A -**

**URBEMIS Annual Emissions Modeling Report**

**(Cahill run, 3.3.2010)**



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Urbanis 2007 Version 9.2.4

Summary Report for Annual Emissions (Tons/Year)

File Name: C:\Documents and Settings\CCAHILL\Desktop\napa 34.urb924

Project Name: Napa 34 Commerce Center

Project Location: California State-wide

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

CO2

2010 TOTALS (tons/year unmitigated)

464.10

2010 TOTALS (tons/year mitigated)

464.10

Percent Reduction

0.00

$$464.10 \rightarrow X \cdot 91 = 422.3 \text{ MT/Y CO}_2\text{e}$$

2011 TOTALS (tons/year unmitigated)

1,201.42

2011 TOTALS (tons/year mitigated)

1,201.42

Percent Reduction

0.00

$$1,201.42 \rightarrow X \cdot 91 = 1,093 \text{ MT/Y CO}_2\text{e}$$

AREA SOURCE EMISSION ESTIMATES

CO2

TOTALS (tons/year, unmitigated)

176.63

TOTALS (tons/year, mitigated)

141.35

Percent Reduction

19.97

$$141.35 \rightarrow X \cdot 91 = 128.6 \text{ MT/Y CO}_2\text{e}$$



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OPERATIONAL (VEHICLE) EMISSION ESTIMATES

TOTALS (tons/year, unmitigated)

CO2  
4,103.78

TOTALS (tons/year, mitigated)

1,942.49

Percent Reduction

52.67

$$\rightarrow \times .91 = \underline{1,767.7 \text{ MT/Y CO}_2}$$

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

TOTALS (tons/year, unmitigated)

CO2  
4,280.41

TOTALS (tons/year, mitigated)

2,083.84

Percent Reduction

51.32

$$\rightarrow \times .91 = \underline{1,896.3 \text{ MT/Y CO}_2}$$

BAAQMD 12.7.09  
DRAFT THRESHOLDS

1,100 MT/Y CO2

-or-

4.6 MT/Y CO2/PERSON\*

(\* "PERSON" = EMPLOYEES + RESIDENTS)

PROJECT PROPOSES 624 EMPLOYEES,  
OR A THRESHOLD OF...

$$624 \times 4.6 = \underline{2,870.4 \text{ MT/Y CO}_2} \rightarrow \underline{1,896.3 \text{ MT/Y CO}_2} \quad \checkmark$$





## Summary Report for Annual Emissions (Tons/Year)

File Name: C:\Documents and Settings\CCA\HILL\Desktop\napa 34.urb924

Project Name: Napa 34 Commerce Center

Project Location: California State-wide

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

## CONSTRUCTION EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10</u>	<u>PM2.5 Dust</u>	<u>PM2.5 Exhaust</u>	<u>PM2.5</u>	<u>CO2</u>
2010 TOTALS (tons/year unmitigated)	0.40	2.94	2.92	0.00	5.44	0.15	5.59	1.14	0.14	1.28	464.10
2010 TOTALS (tons/year mitigated)	0.40	2.82	2.92	0.00	1.24	0.11	1.35	0.26	0.10	0.36	464.10
Percent Reduction	0.00	3.82	0.00	0.00	77.14	27.71	75.82	77.02	27.81	71.72	0.00
2011 TOTALS (tons/year unmitigated)	5.97	5.17	7.23	0.01	0.04	0.25	0.29	0.02	0.23	0.24	1,201.42
2011 TOTALS (tons/year mitigated)	5.44	4.90	7.23	0.01	0.04	0.15	0.20	0.02	0.14	0.15	1,201.42
Percent Reduction	8.81	5.11	0.00	0.00	0.00	38.78	32.93	0.00	39.07	36.59	0.00

## AREA SOURCE EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	0.54	0.15	0.26	0.00	0.00	0.00	176.63
TOTALS (tons/year, mitigated)	0.54	0.12	0.24	0.00	0.00	0.00	141.35
Percent Reduction	0.00	20.00	7.69	Nan	Nan	Nan	19.97

1 SHORT TON/YEAR =

5.476 POUNDS/DAY



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## OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>ROG</u>	<u>NOX</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	4.38	6.25	47.39	0.04	7.55	1.47	4,103.78
TOTALS (tons/year, mitigated)	2.32	2.96	22.43	0.02	3.57	0.70	1,942.49
Percent Reduction	47.03	52.64	52.67	50.00	52.72	52.38	52.67

## SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

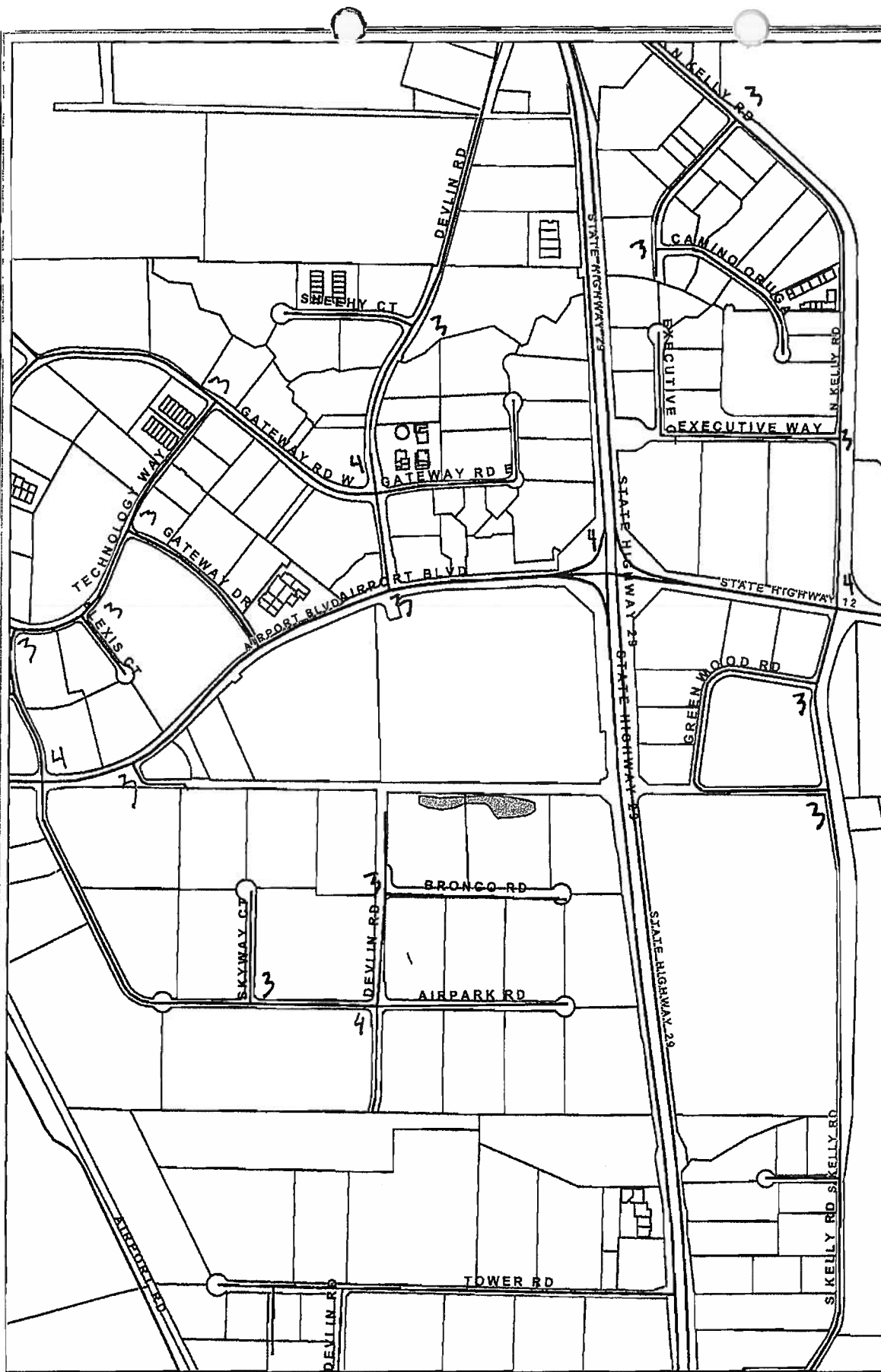
	<u>ROG</u>	<u>NOX</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	4.92	6.40	47.65	0.04	7.55	1.47	4,280.41
TOTALS (tons/year, mitigated)	2.86	3.08	22.67	0.02	3.57	0.70	2,083.84
Percent Reduction	41.87	51.88	52.42	50.00	52.72	52.38	51.32



*[Faint, illegible text spanning the width of the page, possibly a header or a line of a document.]*



A Tradition of Stewardship  
A Commitment to Service



### Legend

- Roads
- Major Roads
- Parcels
- Water Bodies
- American Canyon
- Callistoga
- County
- Napa
- St Helena
- Yountville
- County Boundary

County of Napa

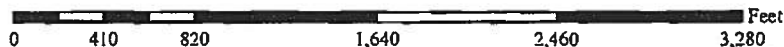


Conservation, Development  
& Planning

Planning General

Horizontal Datum: NAD 83,  
CA State Plane Coordinates,  
Zone II, East

Disclaimer: This map was prepared for  
informational purpose only. No liability  
is assumed for the accuracy of the  
data delineated hereon.



Created Date: 12/2002

Revised Date: 10/01/2009

