

“E”

Use Permit Application Packet



A Tradition of Stewardship
A Commitment to Service

file No 119-00075-45

Napa County Planning, Building, and Environmental Services

1195 Third Street, Suite 210, Napa, California, 94559 phone (707) 253-4417
web www.countyofnapa.org email planning@countyofnapa.org

Use Permit Application

To be completed by Planning staff...

Application Type: _____

Date Submitted: 3/12/2019 Resubmittal(s): _____ Date Complete: _____

Request: _____

*Application Fee Deposit: \$ 10000.- Receipt No. 134277 Received by: TA Date: 3/12/19

**Total Fees will be based on actual time and materials*

To be completed by applicant...

Project Name: 501 Gateway Drive - Building A

Assessor's Parcel No: 057-220-020 Existing Parcel Size: 13.12 ac.

Site Address/Location: 501 Gateway Drive, Napa Ca.
No. Street City State Zip

Primary Contact: ☒ Owner ☐ Applicant ☐ Representative (attorney, engineer, consulting planner, etc.)

Property Owner: Gateway Partners 1 LLC

Mailing Address: 1850 Soscol Avenue, Suite 207 Napa, Ca. 94559
No. Street City State Zip

Telephone No (707) 252 - 5460 E-Mail: mfunseth@channelprop.com

Applicant (if other than property owner): _____

Mailing Address: _____
No. Street City State Zip

Telephone No () - E-Mail: _____

Representative (if applicable): Rob Anglin

Mailing Address: 1455 First Street, Suite 217 Napa, CA. 94559
No. Street City State Zip

Telephone No (707) 927 - 4274 E-Mail: anglin@htralaw.com

Use Permit Information Sheet

Use

Narrative description of the proposed use (please attach additional sheets as necessary):

Please see attached "Exhibit A"

What, if any, additional licenses or approvals will be required to allow the use?

District _____ Regional _____

State CA ABC License Federal TTB Basic Permit

Improvements

Narrative description of the proposed on-site and off-site improvements (please attach additional sheets as necessary):

Please see attached "Exhibit A"

"Exhibit A"

Gateway Partners Winery Project Narrative

Property Owner/Applicant:	Gateway Partners 1, LLC 1850 Soscol Avenue, #207 Napa, CA 94559
Representative:	Rob Anglin 1455 First St., Suite 217 Napa, CA 94559
Location:	501 Gateway Drive, Napa
APN:	057-220-020
Parcel Size:	13.1 acres
General Plan:	Industrial
Zoning:	Industrial Park/Airport Compatibility

General Project Description

Applicant requests approval of a use permit to allow a winery with 400,000 gallons of annual production and 44 employees within an approximately 80,200 square foot portion of the previously approved 100,306 square foot building. The proposed winery would not include tours and tastings, retail sales, or marketing events.

Project Setting & Background

The project site is relatively flat with an average slope of less than one percent. A small swale drains the property from the southeast to the northwest. The historic upstream flow of this drainage has been diverted to a storm drain on Airport Boulevard, while the historic downstream flow has been diverted into the storm drain system along Gateway Loop. The site is treeless with the exception of landscaping added during earlier phases of development. The soil type is Haire loam, which exhibits slow runoff and a slight hazard of erosion. The County's Environmental Sensitivity Maps do not identify any special environmental concerns on the site. The roadways surrounding the parcel have all been approved to appropriate County standards for industrial development include an underground storm drain system. Other development in the larger vicinity includes the Napa County Airport and industrial development to the west and office/ industrial development to the east. The project site is situated in Zone D (Traffic Pattern Area)

"Exhibit A"

of the Airport Land Use Compatibility Plan and is subject to overflights at elevations ranging from 300 to 1,000 feet.

In 1994, the Planning Commission approved 93466-UP, which allowed development of a pharmaceutical manufacturing and research facility. The approved facility included office, research and development, pharmaceutical manufacturing, and warehouse uses. After constructing the office building, the property owner, abandoned further development of the facility.

Site Development Standards

No change is proposed to the approved building footprint. Instead, the Applicant only seeks a change the approved use from warehouse and office to add winery use within an approximately 80,200 square foot portion of Building A as depicted on the enclosed plans. Applicant seeks to complete the development approved by 93466-UP while diversifying the uses and tenants on the project site. The winery will have 44 full time employees and will have 80 parking spaces allocated to it. The winery expects as many as 15 seasonal employees during the harvest period. The remainder of Building A will remain as office/warehouse use as previously approved.

This application continues the same theme of a facility housing manufacturing and related office uses. Rather than ophthalmological products, the manufactured product will be wine. As stated above, the proposed winery would not include tours and tastings, retail sales, or marketing events. Operational characteristics such as business deliveries and vendor meetings will be similar to those that would have occurred at a facility manufacturing ophthalmological products.

Water Service & Sewer

The project will be provided with water service from the City of American Canyon. The City currently provides water to the office building on the project site. Applicant has applied to the City for a will serve letter for the proposed winery use. The winery building will be sprinklered for fire protection.

The project site is within the service area of the Napa Sanitation District ("Napa San"). Applicant proposes to pre-treat process wastewater and discharge to the Napa San. Applicant has applied to Napa San for a will serve letter, and Applicant will secure an Industrial User Permit from Napa San. Domestic wastewater also will be discharged to Napa San. The Applicant is not proposing any hold and haul of wastewater.

Comparison to Approved Manufacturing Facility

The Applicant proposes that the winery operate seven days/week and 24 hours/day. These hours of operation are unchanged from the previously

"Exhibit A"

approved pharmaceutical manufacturing facility. The proposed 44 winery employees represent a small decrease from the 45 employees anticipated for the pharmaceutical manufacturing facility. A copy of the application for 93466-UP with this information is enclosed.

Aesthetics

All winery operations will be conducted within the winery building. No outdoor crush pad or tanks are proposed. The building's design and elevations were approved in prior use permits. With two minor exceptions described below, the Applicant does not propose to change that previously approved design or exterior materials. The Applicant does propose to place winery equipment, including wastewater pre-treatment equipment, outside the building as depicted on the submitted plans. This equipment will be screened from the street and neighboring properties. Also, the Applicant proposes a short canopy over the loading bay doorway, which is needed to protect grapes being delivered from the elements.

CEQA

A Negative Declaration was certified for this property's development in conjunction the approval of 93466-UP. That Negative Declaration is enclosed with this application. Applicant believes that the previously certified Negative Declaration sufficiently discloses and analyzes potential impacts from the property's development into a office and manufacturing facility. The project site already is developed with the office building, and the Applicant's predecessor graded a building pad and laid the foundation for a separate building. Because this application merely changes the product being manufactured within an approved building, Applicant believes that Napa County may rely on its previous environmental analysis through an addendum to the previously certified Negative Declaration.

Improvements, cont.

Total on-site parking spaces: 108 existing 124 proposed

Loading areas: 2 existing 2 proposed

Fire Resistivity (check one; if not checked, Fire Marshal will assume Type V – non rated):

- ☐ Type I FR ☐ Type II 1 Hr ☐ Type II N (non-rated) ☐ Type III 1 Hr ☐ Type III N
☐ Type IV H.T. (Heavy Timber) ☐ Type V 1 Hr. ☒ Type V (non-rated)
(for reference, please see the latest version of the California Building Code)

Is the project located in an Urban/Wildland Interface area? ☐ Yes ☐ No

Total land area to be disturbed by project (include structures, roads, septic areas, landscaping, etc): _____ acres

Employment and Hours of Operation

Days of operation: N/A existing Mon. - Sun. proposed

Hours of operation: N/A existing 7am - 7am proposed

Anticipated number of employee shifts: N/A existing 2 proposed

Anticipated shift hours: N/A existing 6am - 5:30pm proposed

Maximum Number of on-site employees:

- ☐ 10 or fewer ☐ 11-24 ☒ 25 or greater (specify number) 44

Certification and Indemnification

Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information including, but not limited to, the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of his/her knowledge. Applicant and property owner hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, *including the right of access to the property involved.*

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Print Name of Property Owner

Print Name Signature of Applicant (if different)

Signature of Property Owner

Date

Signature of Applicant

Date

Supplemental Application for Winery Uses

Operations

Please indicate whether the activity or uses below are already legally **EXISTING**, whether they exist and are proposed to be **EXPANDED** as part of this application, whether they are **NEWLY PROPOSED** as part of this application, or whether they are neither existing nor proposed (**NONE**).

Retail Wine Sales	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None
Tours and Tasting- Open to the Public	<input type="checkbox"/> Existing			
Tours and Tasting- By Appointment	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None
Food at Tours and Tastings	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None
Marketing Events*	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None
Food at Marketing Events	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None
Will food be prepared...	<input type="checkbox"/> On-Site?	<input type="checkbox"/> Catered?		

Public display of art or wine-related items ☐ Existing ☐ Expanded ☐ Newly Proposed ☒ None

* For reference please see definition of "Marketing," at Napa County Code §18.08.370 - <http://library.municode.com/index.aspx?clientId=16513>

Production Capacity *

Please identify the winery's...

Existing production capacity: N/A gal/y Per permit No: N/A Permit date: N/A

Current maximum actual production: N/A gal/y For what year? N/A

Proposed production capacity: 400,000 gal/y

* For this section, please see "Winery Production Process," at page 11.

Visitation and Hours of Operation

Please identify the winery's...

Maximum daily tours and tastings visitation:	<u>N/A</u> existing	<u>N/A</u> proposed
Average daily tours and tastings visitation ¹ :	<u>N/A</u> existing	<u>N/A</u> proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	<u>N/A</u> existing	<u>N/A</u> proposed
Non-harvest Production hours ² :	<u>N/A</u> existing	<u>7am-7am</u> proposed

¹ Average daily visitation is requested primarily for purposes of environmental review and will not, as a general rule, provide a basis for any condition of approval limiting allowed winery visitation.

² It is assumed that wineries will operate up to 24 hours per day during crush.

Grape Origin

All new wineries and any existing (pre-WDO) winery expanding beyond its winery development area must comply with the 75% rule and complete the attached "Initial Statement of Grape Source". See Napa County Code §18.104.250 (B) & (C).

Marketing Program

Please describe the winery's proposed marketing program. Include event type, maximum attendance, food service details, etc. Differentiate between existing and proposed activities. (Attach additional sheets as necessary.)

N/A

Food Service

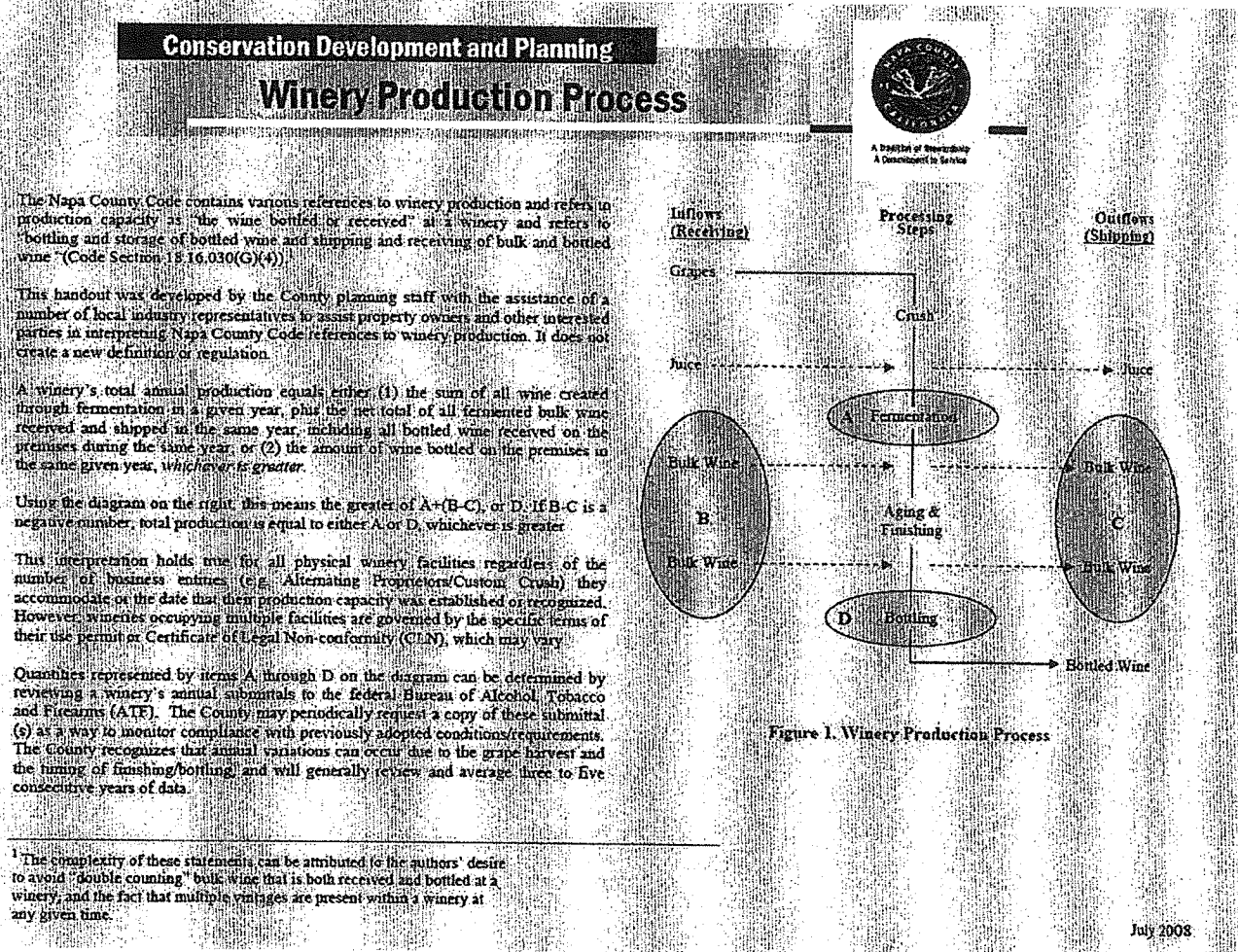
Please describe the nature of any proposed food service including type of food, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Please differentiate between existing and proposed food service. (Attach additional sheets as necessary.)

N/A

Definitions

The below are paraphrased from County Code, please see referenced code sections for full text.

- Winery Development Area** – All aggregate paved or impervious or semi-permeable ground surface areas of the production facility which includes all storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved parking areas for the exclusive use of winery employees. *See Napa County Code §18.104.210*
- Winery Coverage** – The total square foot area of all winery building footprints, all aggregate paved or impervious ground surface areas of the production facility which includes all outside work, tank and storage areas (except caves); all paved areas including parking and loading areas, walkways, and access driveways to public or private roads or rights-of-way; and all above-ground wastewater and run-off treatment systems. *See Napa County Code §18.104.220*
- Production Facility** – (For the purpose to calculate the maximum allowable accessory use) The total square footage of all winery crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities, and employee-designated restrooms but does not include wastewater treatment or disposal areas which cannot be used for agricultural purposes. *See Napa County Code §18.104.200*
- Accessory Use** - The total square footage of area within winery structures used for accessory uses related to a winery that are not defined as "production facility" which would include offices, lobbies/waiting rooms, conference/meeting rooms, non-production access hallways, kitchens, tasting rooms (private and public areas), retail space areas, libraries, non-employee designated restrooms, art display areas, or any area within winery structures not directly related to wine production. *See Napa County Code §18.104.200*



¹ The complexity of these statements can be attributed to the authors' desire to avoid "double counting" bulk wine that is both received and bottled at a winery, and the fact that multiple vintages are present within a winery at any given time.

Winery Coverage and Accessory/Production Ratio

Winery Development Area. Consistent with the definition at "a.," at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery development area. If the facility already exists, please differentiate between existing and proposed.

Existing	<u>N/A</u> sq. ft.	<u>N/A</u> acres
Proposed	<u>+/- 113,724 sq.ft.</u> sq. ft.	<u>+/- 2.61</u> acres

Winery Coverage. Consistent with the definition at "b.," at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery coverage (maximum 25% of parcel or 15 acres, whichever is less).

Proposed winery not located in Open Space area

<u>sq. ft.</u>	<u>acres</u>	<u>% of parcel</u>
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Production Facility. Consistent with the definition at "c.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *production* square footage. If the facility already exists, please differentiate between existing and proposed.

Existing	<u>N/A</u> sq. ft.	Proposed winery not located in AP/AW zoned area
		Proposed <u>sq. ft.</u>

Accessory Use. Consistent with the definition at "d.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *accessory* square footage. If the facility already exists, please differentiate between existing and proposed. (maximum = 40% of the production facility)

Existing	<u>N/A</u> sq. ft.	<u>N/A</u> % of production facility
Proposed	Proposed winery not located in AP/AW zoned area <u>sq. ft.</u>	<u>% of production facility</u>

Caves and Crushpads

If new or expanded caves are proposed please indicate which of the following best describes the public accessibility of the cave space:

- ☐ None – no visitors/tours/events (Class I) ☐ Guided Tours Only (Class II) ☐ Public Access (Class III)
- ☐ Marketing Events and/or Temporary Events (Class III)

Please identify the winery's...

Cave area	Existing: <u>N/A</u> sq. ft.	Proposed: <u>N/A</u> sq. ft.
Covered crush pad area	Existing: <u>N/A</u> sq. ft.	Proposed: <u>N/A</u> sq. ft.
Uncovered crush pad area	Existing: <u>N/A</u> sq. ft.	Proposed: <u>N/A</u> sq. ft.

Initial Statement of Grape Source

Pursuant to Napa County Zoning Ordinance Sections 12419(b) and (c),
I hereby certify that the current application for establishment or expansion of a winery
pursuant to the Napa County Winery Definition Ordinance will employ sources of
grapes in accordance with the requirements of Section 12419(b) and/or (c) of that
Ordinance.

Grape source limitations not applicable to industrially zoned winery

Owner's Signature

Date

Letters of commitment from grape suppliers and supporting documents may be required prior to issuance of any building permits for the project. Recertification of compliance will be required on a periodic basis. Recertification after initiation of the requested wine production may require the submittal of additional information regarding individual grape sources. Proprietary information will not be disclosed to the public.

Water Supply/ Waste Disposal Information Sheet

Water Supply

Please attach completed Phase I Analysis sheet.

	Domestic	Emergency
Proposed source of water (e.g., spring, well, mutual water company, city, district, etc.):	<u>City</u>	<u>City</u>
Name of proposed water supplier (if water company, city, district):	<u>American Canyon</u>	
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Current water use:	<u>N/A</u> gallons per day (gal/d)	
Current water source:	<u>American Canyon</u>	
Anticipated future water demand:	<u>5,000</u> gal/d	<u>N/A</u> gal/d
Water availability (in gallons/minute):	<u>N/A</u> gal/m	<u>N/A</u> gal/m
Capacity of water storage system:	<u>N/A</u> gal	<u>N/A</u> gal
Type of emergency water storage facility if applicable (e.g., tank, reservoir, swimming pool, etc.):	<u>N/A</u>	

Liquid Waste

Please attach Septic Feasibility Report

	Domestic	Other
Type of waste:	<u>sewage</u>	<u>Winery Process</u>
Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	<u>District</u>	<u>Pretreatment and discharge to Napa Sanitation</u>
Name of disposal agency (if sewage district, city, community system):	<u>Napa Sanitation</u>	
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Current waste flows (peak flow):	<u>N/A</u> gal/d	<u>N/A</u> gal/d
Anticipated future waste flows (peak flow):	<u>660</u> gal/d	<u>16,000</u> gal/d
Future waste disposal design capacity:	<u>660</u> gal/d	<u>16,000</u> gal/d

Solid Waste and Recycling Storage and Disposal

Please include location and size of solid waste and recycling storage area on site plans in accordance with the guidelines available at www.countyofnapa.org/dem.

Hazardous and/or Toxic Materials

If your facility generates hazardous waste or stores hazardous materials above threshold planning quantities (55 gallons liquid, 500 pounds solid or 200 cubic feet of compressed gas) then a hazardous materials business plan and/or a hazardous waste generator permit will be required.

Grading Spoils Disposal

Where will grading spoils be disposed of?

(e.g. on-site, landfill, etc. If off-site, please indicate where off-site): _____

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Number of FT employees: _____ x 3.05 one-way trips per employee = _____ daily trips.

Number of PT employees: _____ x 1.90 one-way trips per employee = _____ daily trips.

Average number of weekday visitors: _____ / 2.6 visitors per vehicle x 2 one-way trips = _____ daily trips.

Gallons of production: _____ / 1,000 x .009 truck trips daily³ x 2 one-way trips = _____ daily trips.

Total = _____ daily trips.

Number of total weekday trips x .38 = _____ PM peak trips.

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): _____ x 3.05 one-way trips per employee = _____ daily trips.

Number of PT employees (on Saturdays): _____ x 1.90 one-way trips per employee = _____ daily trips.

Average number of weekend visitors: _____ / 2.8 visitors per vehicle x 2 one-way trips = _____ daily trips.

Total = _____ daily trips.

Number of total Saturday trips x .57 = _____ PM peak trips.

Traffic during a Crush Saturday

Number of FT employees (during crush): _____ x 3.05 one-way trips per employee = _____ daily trips.

Number of PT employees (during crush): _____ x 1.90 one-way trips per employee = _____ daily trips.

Average number of weekend visitors: _____ / 2.8 visitors per vehicle x 2 one-way trips = _____ daily trips.

Gallons of production: _____ / 1,000 x .009 truck trips daily x 2 one-way trips = _____ daily trips.

Avg. annual tons of grape on-haul: _____ x .11 truck trips daily⁴ x 2 one-way trips = _____ daily trips.

Total = _____ daily trips.

Number of total Saturday trips x .57 = _____ PM peak trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): _____ x 2 one-way trips per staff person = _____ trips.

Number of visitors (largest event): _____ / 2.8 visitors per vehicle x 2 one-way trips = _____ trips.

Number of special event truck trips (largest event): _____ x 2 one-way trips = _____ trips.

³ Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

⁴ Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

Traffic Information Sheet Addendum

Information for Caltrans Review

Application should include:

Project Location

- Site Plan showing all driveway location(s)
- Show detail of Caltrans right-of-way
- Aerial photo at a readable scale

Trip Generation Estimate

- Please provide separate Winery Traffic Information / Trip Generation Sheets for existing and proposed operations.

Napa County Winery Traffic Generation Characteristics

Employees

Half-hour lunch: All - 2 trips/day (1 during weekday PM peak)
Hour lunch: Permanent Full-Time - 3.2 trips/day (1 during weekday PM peak)
Permanent Part-Time - 2 trips/day (1 during weekday PM peak)
Seasonal: 2 trips/day (0 during weekday PM peak) — crush
see full time above — bottling
Auto Occupancy: 1.05 employees/auto

Visitors

Auto occupancy:
Weekday = 2.6 visitors/auto
Weekend = 2.8 visitors/auto

Peaking Factors:

Peak Month: 1.65 x average month
Average Weekend: 0.22 x average month
Average Saturday: 0.53 x average weekend
Peak Saturday: 1.65 x average Saturday
Average Sunday: 0.8 x average Saturday
Peak Sunday: 2.0 x average Sunday

Peak Weekend Hour: Winery (3-4 PM) - 0.57 x total for weekend day involved

Average 5-Day Week (Monday-Friday) - 1.3 x average weekend

Average Weekday: 0.2 x average 5-day week

Peak Weekday Hour: Winery (3-4 PM) - 0.57 x total for weekday involved

Roadway PM Peak(4-5 PM?) - 0.38 x total for weekday involved

Service Vehicles

Grapes (36 days (6weeks)/season): 1.52 trips/1000 gals/season (4 ton loads assumed)

Materials/Supplies (250 days/yr): 1.47 trips/1000 gals/yr

Case Goods (250 days/yr): 0.8 trips/1000 gal/yr



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services - David Morrison, Director
1195 Third Street, Napa, CA 94559 - (707) 253-4417 - www.countyofnapa.org

Project name & APN: 501 Gateway Drive & 057-220-020

Project number if known:

Contact person: Mark Funseth

Contact email & phone number: mfunseth@channelprop.com & (707)252-5460

Today's date: 02/19/19

Voluntary Best Management Practices Checklist for Development Projects

Napa County General Plan Policy CON-65 (e) and Policy CON-67 (d) requires the consideration of Greenhouse Gas (GHG) emissions in the review of discretionary projects and to promote and encourage "green building" design. The below Best Management Practices (BMPs) reduce GHG emissions through energy and water conservation, waste reduction, efficient transportation, and land conservation. The voluntary checklist included here should be consulted early in the project and be considered for inclusion in new development. It is not intended, and likely not possible for all projects to adhere to all of the BMPs. Rather, these BMPs provide a portfolio of options from which a project could choose, taking into consideration cost, co-benefits, schedule, and project specific requirements. Please check the box for all BMPs that your project proposes to include and include a separate narrative if your project has special circumstances.

Practices with Measurable GHG Reduction Potential

The following measures reduce GHG emissions and if needed can be calculated. They are placed in descending order based on the amount of emission reduction potential.

Already Plan
Doing To Do

ID # BMP Name

☐☒

BMP-1 Generation of on-site renewable energy

If a project team designs with alternative energy in mind at the conceptual stage it can be integrated into the design. For instance, the roof can be oriented, sized, and engineered to accommodate photovoltaic (PV) panels. If you intend to do this BMP, please indicate the location of the proposed PV panels on the building elevations or the location of the ground mounted PV array on the site plan. Please indicate the total annual energy demand and the total annual kilowatt hours produced or purchased and the potential percentage reduction of electrical consumption. Please contact staff or refer to the handout to calculate how much electrical energy your project may need.

Solar Ready roof design to be provided per Title 24 Non-Residential manual Section 9.3 and T-24 Section 110-10(b).

☐☐

BMP-2 Preservation of developable open space in a conservation easement

NO

Please indicate the amount and location of developable land (i.e.: under 30% slope and not in creek setbacks or environmentally sensitive areas for vineyards) conserved in a permanent easement to prohibit future development.

Already Plan
Doing To Do

☐ ☐

NO

BMP-3 Habitat restoration or new vegetation (e.g. planting of additional trees over 1/2 acre)

Napa County is famous for its land stewardship and preservation. Restoring areas within the creek setback reduces erosion potential while planting areas that are currently hardscape (such as doing a bio-retention swale rather than underground storm drains) reduces storm water and helps the groundwater recharge. Planting trees can also increase the annual uptake of CO₂e and add the County's carbon stock.

☐ ☐

N/A - no vehicle fleet

BMP-4 Alternative fuel and electrical vehicles in fleet

The magnitude of GHG reductions achieved through implementation of this measure varies depending on the analysis year, equipment, and fuel type replaced.

Number of total vehicles

Typical annual fuel consumption or VMT

Number of alternative fuel vehicles

Type of fuel/vehicle(s)

Potential annual fuel or VMT savings

☐ ☐

NO

BMP-5 Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 2

The California Building Code update effective January 1, 2011 has new mandatory green building measures for all new construction and has been labeled CALGREEN. CALGREEN provides two voluntary higher levels labeled CALGREEN Tier I and CALGREEN Tier II. Each tier adds a further set of green building measures that go above and beyond the mandatory measures of the Code. In both tiers, buildings will use less energy than the current Title 24 California Energy Code. Tier I buildings achieve at least a 15% improvement and Tier 2 buildings are to achieve a 30% improvement. Both tiers require additional non-energy prerequisites, as well as a certain number of elective measures in each green building category (energy efficiency, water efficiency, resource conservation, indoor air quality and community).

☐ ☐

NO

BMP-6 Vehicle Miles Traveled (VMT) reduction plan

Selecting this BMP states that the business operations intend to implement a VMT reduction plan reducing annual VMTs by at least 15%.

Tick box(es) for what your Transportation Demand Management Plan will/does include:

- ☐ employee incentives
- ☐ employee carpool or vanpool
- ☐ priority parking for efficient transportation (hybrid vehicles, carpools, etc.)
- ☐ bike riding incentives
- ☐ bus transportation for large marketing events
- ☐ Other:

Estimated annual VMT

Potential annual VMT saved

% Change

Already Plan
Doing To Do

☐ ☐
NO

BMP-7 Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 1

See description below under BMP-5.

☐ ☐
NO

BMP-8 Solar hot water heating

Solar water heating systems include storage tanks and solar collectors. There are two types of solar water heating systems: active, which have circulating pumps and controls, and passive, which don't. Both of them would still require additional heating to bring them to the temperature necessary for domestic purposes. They are commonly used to heat swimming pools.

☒ ☐

BMP-9 Energy conserving lighting

Lighting is approximately 25% of typical electrical consumption. This BMP recommends installing or replacing existing light bulbs with energy-efficient compact fluorescent (CF) bulbs or Light Emitting Diode (LED) for your most-used lights. Although they cost more initially, they save money in the long run by using only 1/4 the energy of an ordinary incandescent bulb and lasting 8-12 times longer. Typical payback from the initial purchase is about 18 months.

☒ ☐

BMP-10 Energy Star Roof/Living Roof/Cool Roof

Most roofs are dark-colored. In the heat of the full sun, the surface of a black roof can reach temperatures of 158 to 194 °F. Cool roofs, on the other hand, offer both immediate and long-term benefits including reduced building heat-gain and savings of up to 15% the annual air-conditioning energy use of a single-story building. A cool roof and a green roof are different in that the green roof provides living material to act as a both heat sink and thermal mass on the roof which provides both winter warming and summer cooling. A green (living) roof also reduces storm water runoff.

☒ ☐

BMP-11 Bicycle Incentives

Napa County Zoning Ordinance requires 1 bicycle rack per 20 parking spaces (§18.110.040). Incentives that go beyond this requirement can include on-site lockers for employees, showers, and for visitor's items such as directional signs and information on biking in Napa. Be creative!

☐ ☐

BMP-12 Bicycle route improvements

NO

Refer to the Napa County Bicycle Plan (NCPTA, December 2011) and note on the site plan the nearest bike routes. Please note proximity, access, and connection to existing and proposed bike lanes (Class I: Completely separated right-of-way; Class II: Striped bike lane; Class III: Signed Bike Routes). Indicate bike accessibility to project and any proposed improvements as part of the project on the site plan or describe below.

Already Plan
Doing To Do



BMP-13 Connection to recycled water

Recycled water has been further treated and disinfected to provide a non-potable (non-drinking water) water supply. Using recycled water for irrigation in place of potable or groundwater helps conserve water resources.



BMP-14 Install Water Efficient fixtures

WaterSense, a partnership program by the U.S. Environmental Protection Agency administers the review of products and services that have earned the WaterSense label. Products have been certified to be at least 20 percent more efficient without sacrificing performance. By checking this box you intend to install water efficient fixtures or fixtures that conserve water by 20%.



BMP-15 Low-impact development (LID)

LID is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Please indicate on the site or landscape plan how your project is designed in this way.



BMP-16 Water efficient landscape

If your project is a residential development proposing in excess of 5,000 sq. ft. or a commercial development proposing in excess of 2,500 sq. ft. The project will be required to comply with the Water Efficient Landscape Ordinance (WELO).

Please check the box if you will be complying with WELO or If your project is smaller than the minimum requirement and you are still proposing drought tolerant, zeroscape, native plantings, zoned irrigation or other water efficient landscape.



BMP-17 Recycle 75% of all waste

NO

Did you know that the County of Napa will provide recycling collectors for the interior of your business at no additional charge? With single stream recycling it is really easy and convenient to meet this goal. To qualify for this BMP, your business will have to be aggressive, proactive and purchase with this goal in mind.

Already Plan
Doing To Do

☐ ☐

NO

BMP-18 Compost 75% food and garden material

The Napa County food composting program is for any business large or small that generates food scraps and compostable, including restaurants, hotels, wineries, assisted living facilities, grocery stores, schools, manufacturers, cafeterias, coffee shops, etc. All food scraps (including meat & dairy) as well as soiled paper and other compostable - see <http://www.naparecycling.com/foodcomposting> for more details.

☐ ☐

NO

BMP-19 Implement a sustainable purchasing and shipping programs

Environmentally Preferable Purchasing (EPP) or Sustainable Purchasing refers to the procurement of products and services that have a reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. By selecting this BMP, you agree to have an EPP on file for your employees to abide by.

☐ ☐

NO

BMP-20 Planting of shade trees within 40 feet of the south side of the building elevation

Well-placed trees can help keep your building cool in summer. If you choose a deciduous tree after the leaves drop in autumn, sunlight will warm your building through south and west-facing windows during the colder months. Well-designed landscaping can reduce cooling costs by 20%. Trees deliver more than energy and cost savings; they are important carbon sinks. Select varieties that require minimal care and water, and can withstand local weather extremes. Fruit or nut trees that produce in your area are great choices, providing you with local food as well as shade. Please use the site or landscape plan to indicate where trees are proposed and which species you are using.

☐ ☐

NO

BMP-21 Electrical Vehicle Charging Station(s)

As plug-in hybrid electric vehicles (EV) and battery electric vehicle ownership is expanding, there is a growing need for widely distributed accessible charging stations. Please indicate on the site plan where the station will be.

☐ ☐

NO

BMP-22 Public Transit Accessibility

Refer to <http://www.ridethevine.com/vine> and indicate on the site plan the closest bus stop/route. Please indicate if the site is accessed by transit or by a local shuttle. Provide an explanation of any incentives for visitors and employees to use public transit. Incentives can include bus passes, informational hand outs, construction of a bus shelter, transportation from bus stop, etc.

Already Plan
Doing To Do

☐ ☐ BMP-23

NO

Site Design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave.
The amount of energy a cave saves is dependent on the type of soil, the microclimate, and the user's request for temperature control. Inherently a cave or a building buried into the ground saves energy because the ground is a consistent temperature and it reduces the amount of heating and cooling required. On the same concept, a building that is oriented to have southern exposure for winter warmth and shading for summer cooling with an east-west cross breeze will naturally heat, cool, and ventilate the structure without using energy. Please check this box if your design includes a cave or exceptional site design that takes into consideration the natural topography and sitting. Be prepared to explain your approach and estimated energy savings.

☐ ☒ **BMP-24 Limit the amount of grading and tree removal**

Limiting the amount of earth disturbance reduces the amount of CO2 released from the soil and mechanical equipment. This BMP is for a project design that either proposes a project within an already disturbed area proposing development that follows the natural contours of the land, and that doesn't require substantial grading or tree removal.

☐ ☐ **BMP-25 Will this project be designed and built so that it could qualify for LEED?**

NO

BMP-25 (a)

☐

LEED™ Silver (check box BMP-25 and this one)

BMP-25 (b)

☐

LEED™ Gold (check box BMP-25, BMP-25 (a), and this box)

BMP-25 (c)

☐

LEED™ Platinum (check all 4 boxes)

Practices with Un-Measured GHG Reduction Potential

☐ ☐ **BMP-26 Are you, or do you intend to become a Certified Green Business or certified as a "Napa Green Winery"?**

NO

As part of the Bay Area Green Business Program, the Napa County Green Business Program is a free, voluntary program that allows businesses to demonstrate the care for the environment by going above and beyond business as usual and implementing environmentally friendly business practices. For more information check out the Napa County Green Business and Winery Program at www.countyofnapa.org.

☐ ☐ **BMP-27 Are you, or do you intend to become a Certified "Napa Green Land"?**

N/A

Napa Green Land, fish friendly farming, is a voluntary, comprehensive, "best practices" program for vineyards. Napa Valley vintners and growers develop farm-specific plans tailored to protect and enhance the ecological quality of the region, or create production facility programs that reduce energy and water use, waste and pollution. By selecting this measure either you are certified or you are in the process of certification.

Already Plan
Doing To Do

☐ ☐
NO

BMP-28 Use of recycled materials

There are a lot of materials in the market that are made from recycled content. By ticking this box, you are committing to use post-consumer products in your construction and your ongoing operations.

☐ ☐
N/A

BMP-29 Local food production

There are many intrinsic benefits of locally grown food, for instance reducing the transportation emissions, employing full time farm workers, and improving local access to fresh fruits and vegetables.

☐ ☒

BMP-30 Education to staff and visitors on sustainable practices

This BMP can be performed in many ways. One way is to simply put up signs reminding employees to do simple things such as keeping the thermostat at a consistent temperature or turning the lights off after you leave a room. If the project proposes alternative energy or sustainable winegrowing, this BMP could include explaining those business practices to staff and visitors.

☐ ☐
N/A

BMP-31 Use 70-80% cover crop

Cover crops reduce erosion and the amount of tilling which is required, which releases carbon into the environment.

☐ ☐
N/A

BMP-32 Retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site

By selecting this BMP, you agree not to burn the material pruned on site.

☐ ☐
N/A

BMP-33 Are you participating in any of the above BMPS at a 'Parent' or outside location?

☐ ☐
N/A

BMP-34 Are you doing anything that deserves acknowledgement that isn't listed above?

Comments and Suggestions on this form?

Sources:

1. *Napa County Bicycle Plan*, NCTPA, December 2011
2. *California Air Pollution Control Officers Associate (CAPCOA)*. January 2008. *CEQA and Climate Change*
3. *Napa County General Plan*, June 2008.
4. *California Office of the Attorney General*. 2010. *Addressing Climate Change at the Project Level* available at http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf
5. *U.S. Green Building Council (2009). LEED 2009 for New Construction and Major Renovations Rating System*. Washington, DC: United States Green Building Council, Inc.
6. *California Energy Commission (2008). Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings*. Sacramento, CA: California Energy Commission.
7. *U.S. Department of Energy (2010). Cool roof fact sheet*.
8. <http://www1.eere.energy.gov/buildings/ssl/ledlightingfacts.html>
9. *Compact Fluorescent Light Bulbs*". *Energy Star*. Retrieved 2013-05-01.
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12. http://www.bchydro.com/powersmart/residential/guides_tips/green-your-home/cooling_guide/shade_trees.html
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14. <http://www.countyofnapa.org/pages/departmentcontent.aspx?id=4294971612>
15. <http://www.napasan.com/Pages/ContentMenu.aspx?id=109>
16. <http://water.epa.gov/polwaste/green/index.cfm>

June 29, 2020

Gateway Partners 1, LLC
1850 Soscol Avenue, Suite 207
Napa, California 94559

Attention: Mr. Mark Funseth

RE: Swainson's Hawk Survey Report
501 Gateway Drive
City of Napa, California

INTRODUCTION

This letter-report has been prepared to present the results of Monk & Associates' (M&A) Swainson's hawk (*Buteo swainsoni*) surveys on the 501 Gateway Drive Project site (herein referred to as the "project site") in Napa County, California (Figures 1 and 2). The project site currently is approved for the construction of an approximately 100,306 square foot warehouse and an approximately 28,535 square foot research and development building, and a pending use permit application (P19-00075) proposes to change the use of the approved warehouse to a winery use. The structure's placement and size would match previous approvals. Swainson's hawk preconstruction nesting surveys and analysis of potential impacts to foraging habitat are required pursuant to the CEQA and Napa's requirements.

In accordance with California Department of Fish and Wildlife (CDFW) guidelines¹, M&A conducted surveys on the project site and within a half-mile radius of all proposed project activities. ***No Swainson's hawks or their nests were observed on the project site or within a half-mile of the project site during these surveys, and construction of the approved buildings and proposed winery use will not have a significant impact on Swainson's Hawk.*** Below, we discuss our field survey methods, results, and conclusions.

PROJECT BACKGROUND AND SETTING

The 501 Gateway project site is approximately 13.8 acres and is located off an extension of Gateway Dr. in the City of Napa, Napa County, California (Figures 1 and 2). The project site is bordered on all sides by industrial development and a portion of the site has previously been developed. This area includes an office building and large parking lot (Figure 3). The remaining portion of the site is undeveloped and is dominated by non-native herbaceous vegetation. Figure 3 provides an aerial photograph that shows the project site features, surrounding land use, and the survey area.

LEGAL PROTECTION FOR SWAINSON'S HAWK

California Endangered Species Act

The Swainson's hawk is a state-listed threatened species afforded protection pursuant to the California Endangered Species Act, Title 14, California Code of Regulations. While it has no

¹ CDFG (California Department of Fish and Game). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. May 31, 2000. 4 pages.

special federal status, it is protected from direct take under the Federal Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711). Swainson's hawks, their nests, eggs, and young are also protected under California Fish and Game Code (§3503, §3503.5, §3513, and §3800). Finally, pursuant to CEQA, this hawk would be considered "rare" and impacts to its nest sites would be regarded as significant. Impacts to foraging habitat can be regarded as significant pursuant to the CEQA based upon guidelines provided by the CDFW for this raptor species.

Federal Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to "take" (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.). Thus, take of this bird, active nest, eggs or young would be unlawful and in violation of this act.

California Fish and Game Code § 3503, 3503.5, 3511, and 3513

California Fish and Game Code §3503, 3503.5, 3511, and 3513 prohibit the "take, possession, or destruction of birds, their nests or eggs." Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered "take." Such a take would also violate federal law protecting migratory birds (Migratory Bird Treaty Act).

SURVEY METHODS

Preconstruction surveys for Swainson's hawks on the project site and within a half mile radius were conducted within Survey Period III, as presented in the CDFW's guidelines, on April 14 and April 20, 2020. Two additional surveys were conducted during Survey Period V on June 11 and June 15, 2020 in accordance with CDFW guidelines. M&A Project Biologist, Mr. Zach Stratton, conducted walking and driving surveys within the project area and along adjacent roadways on these dates to look for Swainson's hawks and/or their nesting territories and evaluate foraging habitat. Mr. Stratton has conducted numerous Swainson's hawk nesting surveys and has identified both Swainson's hawks and their active nest sites. He is qualified to evaluate foraging habitat and conduct nesting season surveys for this raptor. 10x42 power binoculars were used to scan the sky and trees for Swainson's hawk, and to verify all raptor species observed during the surveys. A Nikon spotting scope was also used as necessary to verify potential nest(s) within the survey area.

SURVEY RESULTS

No active Swainson's hawk nests were detected on or within a half-mile radius of the project site during M&A's surveys. The project site is a small disjunct parcel that is surrounded by intensive development. Such sites do not provide viable foraging habitat for Swainson's Hawk.² No Swainson's hawks were observed soaring over head during the surveys or foraging nearby. The only raptors observed during the four (4) surveys were American kestrel (*Falco sparverius*), white-tailed kite (*Elanus leucurus*), and red-tailed hawk (*Buteo jamaicensis*). Other wildlife species observed during these surveys included, house finch (*Haemorrhous mexicanus*), Brewer's blackbird (*Euphagus cyanocephalus*), red-winged blackbird (*Agelaius phoeniceus*), mourning

² CDFG (California Department of Fish and Game). 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawk in the Central Valley California. November 8, 1994.

dove (*Zenaida macroura*), northern flicker (*Colaptes auratus*), western fence lizard (*Sceloporus occidentalis*), turkey vulture (*Cathartes aura*), mallard (*Anas platyrhynchos*), northern harrier (*Circus hudsonius*), black phoebe (*Sayornis nigricans*), and American pipit (*Anthus rubescens*).

CONCLUSION

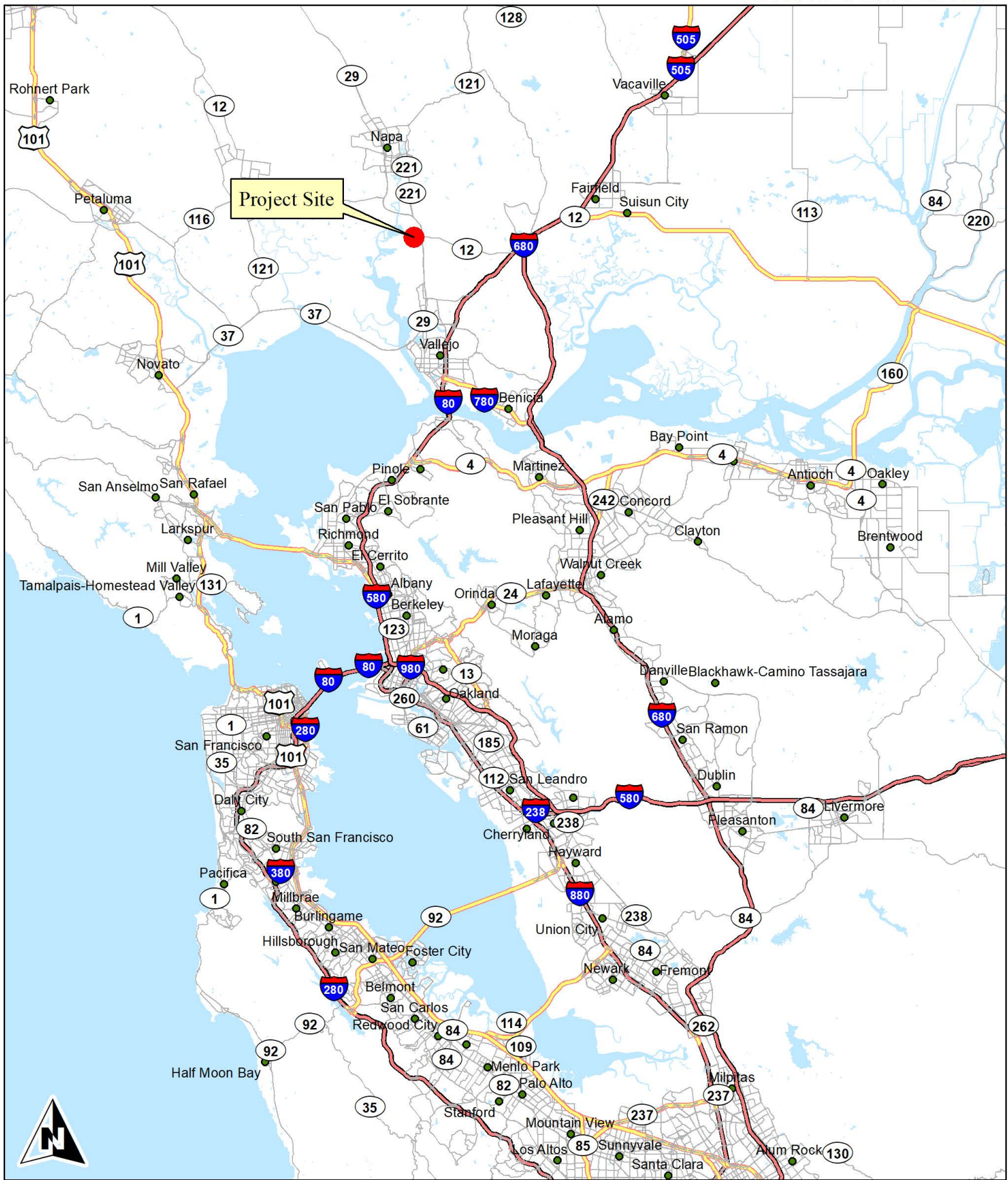
M&A is confident that at the time of writing this letter, there are no active Swainson's hawk nests on or within a half-mile radius of the project site. The approved buildings and proposed winery construction on the project site would not have an impact on Swainson's Hawk. If construction activities do not commence/continue this year, M&A recommends that Swainson's hawk preconstruction surveys be repeated fourteen days prior to construction to ensure that nesting Swainson's hawks did not move into the area and could be disturbed by earth-moving or construction activities. Should you have any questions, or wish to discuss any other aspect of this survey, please do not hesitate to call me at (925) 947-4867 extension 223.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Zach Stratton', with a stylized, cursive script.

Zach Stratton
Project Biologist I

Attachment: Figures 1-3



Monk & Associates
Environmental Consultants
1136 Saranap Avenue, Suite Q
Walnut Creek, California 94595
(925) 947-4867

Figure 1. 501 Gateway Drive Project Site
Regional Map
Napa, California

County: Napa
Map Preparation Date: October 3, 2019



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0 0.1 0.2 0.4 0.6 0.8 1 Miles

Figure 2. 501 Gateway Drive Project Site
Location Map
Napa, California

38.222235 -122.267132
Section: 2; T4N R4W
7.5-Minute Cuttings Wharf quadrangle
Aerial Photograph Source: ESRI
Map Preparation Date: October 3, 2019

