



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/21/2014

Agenda Placement: 6J

NAPA COUNTY BOARD OF SUPERVISORS

Board Agenda Letter

TO: Board of Supervisors

FROM: David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Nate Galambos, Engineering Manager - Planning, Building & Environ - 259-8371

SUBJECT: Extension of Improvement Agreement No. 4105 with Barrel Ten Quarter Circle for Public Improvements to October 31, 2015.

RECOMMENDATION

Director of Planning, Building and Environmental Services requests authorization to extend Subdivision Agreement No. 4105 with Barrel Ten Quarter Circle Land Company to October 31, 2015 for required public roadway improvements that includes Devlin Road.

EXECUTIVE SUMMARY

In 1999, the Napa County Board of Supervisors entered into Subdivision Agreement No. 4105 (Agreement) with Barrel Ten Quarter Circle Land Company (BTQC) for the installation of public improvements associated with the approval of subdivision map number 5092, including construction of a segment of Devlin Road. Since then, BTQC has received extensions of time for completing the improvements outlined in the Agreement, such that their current deadline is October 31, 2014.

BTQC is 98% complete with the installation of the Devlin Road Segment D travel way. The full completion is expected in the beginning of November 2014. Since there are public improvements remaining to be installed associated with the Agreement, BTQC is requesting another extension to the Agreement to October 31, 2015. The remaining public improvements are curb and gutter on Devlin Road, and roadway improvements associated with interior streets of the subdivision, which are not essential at this time. The recommendation would extend the Barrel Ten agreement to October 31, 2015.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Napa County Board of Supervisors entered into Subdivision Agreement No. 4105 with Barrel Ten Quarter Circle Land Company (BTQC) on January 5, 1999 for deferred construction of public road and drainage improvements. These improvements were required as a condition of the approval of subdivision map number 5092. The property originally fronted on an isolated piece of Devlin Road at the end of Airport Road; now Devlin Road extends south from Airport Boulevard to just north of Fagan Creek. At the time of the subdivision approval, the estimated cost of the improvements was \$664,940. Barrel Ten provided a certificate of deposit in that amount to the County to guarantee the construction of the improvements. The subdivision map was recorded in February 1999, and the Agreement was recorded in April 1999. In accordance with California Government Code, the Agreement established an 18-month period, beginning at recordation of the final map, during which Barrel Ten would construct the public improvements associated with the subdivision.

Since the date of the original Agreement, Barrel Ten has requested and received from the Board, thirteen extensions to the completion date for the required public improvements. With each extension of the Agreement, Barrel Ten evaluated and adjusted when necessary the amount of the securities to reflect current construction costs, with the County's agreement. The extensions were granted to Barrel Ten by the Board taking into consideration the lack of necessity associated with public improvements on an isolated segment of Devlin Road.

Since 2007, several factors have contributed to the need for connection of Devlin Road from Airport Boulevard south to Tower Road. These include increases in traffic volumes in and around the Airport Industrial Area, the approval of the Greenwood Commerce Center (GCC) and the Napa Commerce Center (NCC) developments on the property between Airport Boulevard and the BTQC site, and adoption of an agreement with the City of American Canyon regarding construction of Devlin Road. Specifically, County Agreement No. 7070 regarding the City's Urban Limit Line obligates the County to complete Devlin Road -- including the bridge over Fagan Creek -- before 2018 (see attached diagram of Devlin Road and the segments associated with its completion). In furtherance of this commitment, and as part of a strategy to facilitate development within the area, the Board of Supervisors provided direction to staff on March 13, 2012 to accelerate the construction of Devlin Road. Construction on Segment C of Devlin Road has been completed. To date, the construction of the Devlin Road Segment D travel way is 98% complete with full completion expected in early November 2014.

All that remains for BTQC to complete all public improvements associated with the Agreement is to construct the curb, gutter, sidewalk, interior subdivision streets, etc. Not finishing the curb and gutter for Devlin Road at this time, provides some flexibility which allows staff and the applicant to discuss possible development of a Class 1 bike lane on Devlin Road. As a result, there may be a need to continue to apply for extensions to the Agreement in the future, to allow for resolution of both the bike lane improvements and possible changes to the applicant's development plans.

Chapter 17.38 of the Napa County Code allows extensions up to a maximum of one year on a case-by-case basis as needed. The intent of the Code is to ensure that with every extension request there is justifiable cause for the extension and no adverse impact to the public's health, safety and welfare by deferring improvements. In October of 2013, the Board of Supervisors approved a time extension for BTQC based on them submitting a grading permit

application to construct the full travel way of Devlin Road.

The Engineering division has reviewed BTQC's proposal to maintain the existing construction cost of \$814,050 to extend Agreement 4105 for one year, and to provide an updated cost estimate of the remaining public improvements upon completion of the Devlin Road work. Upon completion of the Devlin Road improvements by BTQC, they will submit a revised cost estimate for the remaining public improvements associated with Agreement 4105 along with a request to the Director of PBES for a partial release of their bond amount. Under Napa County Code Section 17.38.040 a maximum of three partial releases of security may be granted by written order of the director of PBES. To date, Napa County has granted one partial release of security to BTQC. Due to the fact that the current security exceeds the cost of public improvements remaining to be installed, Engineering is supportive of BTQC approach for guaranteeing security of Agreement 4105.

Based upon the above noted facts, the Director of Planning, Building and Environmental Services is recommending approval of the BTQC request for a one-year extension to October 31, 2015.

SUPPORTING DOCUMENTS

A . Devlin Road Segments

CEO Recommendation: Approve

Reviewed By: Molly Rattigan