



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/24/2017

Agenda Placement: 6H

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

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

REPORT BY: Patrick Ryan, ENGINEERING MGR - PBES - (707) 253.4892

SUBJECT: Extension of Improvement Agreement No. 4105 with Barrel Ten Quarter Circle for Public Improvements to October 31, 2018

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, 2018 for required public roadway improvements.

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 extension of time for completing the improvements outlined in the Agreement, such that their current deadline is October 31, 2017.

BTQC completed the installation of Devlin Road Segment D travel way improvements in 2015, which were accepted in the County road system on October 2015. Since there are improvements associated with the Agreement that remain to be constructed, BTQC is requesting another extension to the Agreement. The remaining public improvements are curb, gutter, and sidewalk on Devlin Road; along with public roadway improvements associated with the interior street of the subdivision. At this time the public improvements along Devlin Road are not essential. BTQC has expressed to staff that they are considering an alternative development plan that may eliminate the required interior street cul-de-sacs associated with the agreement.

An updated cost estimate for the remaining public improvements were received and supported by staff. The accompanying security associated with the Agreement was subsequently provided by BTQC. Therefore, the Director of Planning, Building, and Environmental Services recommends approval of the requested extension.

Approval of this extension would extend the Agreement to October 31, 2018.

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 (Agreement) 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 section 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. BTQC 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 then 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 BTQC would construct the public improvements associated with the subdivision.

Since the date of the original Agreement, BTQC has requested and received from the Board, sixteen extensions to the completion date for the required public improvements. With each extension of the Agreement BTQC 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 BTQC 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 increase in traffic volumes in and around the Airport Industrial Area, the approval and construction of the Greenwood Commerce Center (GCC) development, the approval of Napa Commerce Center (NCC) development, and adoption of an agreement with the City of American Canyon regarding construction of Devlin Road. More Specifically, County Agreement No. 7070 regarding the City's Urban Limit Line obligated the County to Complete Devlin Road -- including the bridge over Fagan Creek -- before 2018. 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 of the public improvements on Segment C and Segment D have been completed. The completion of Fagan Creek Bridge and extending Devlin Road to Tower Road is the final road improvement needed for Napa County to satisfy their obligations for Devlin Road with respect to County Agreement No. 7070.

All that remains for BTQC to complete the public improvements associated with the Agreement is to construct the curb, gutter, and sidewalks on Devlin Road, as well as the interior subdivision infrastructure. Deferral of the curb and gutter improvements along Devlin Road allows staff and the applicant to discuss possible development of a Class 1 bike lane on Devlin Road as part of future development of their project. Additionally, BTQC has begun discussion with staff regarding an alternative development plan that would significantly alter the design or need for

the interior subdivision streets thereby making the only remaining public improvements the infrastructure on Devlin Road, including the potential of incorporating a Class 1 bike lane.

The cost to complete the improvements associated with the Agreement along with its security were amended in August 2017, to reflect the updated construction costs to install the public road and drainage improvements. The Engineering Division has reviewed BTQC's updated construction estimate of \$1,056,146 and agree with BTQC assessments. BTQC has provided Napa County with a security of \$1,056,146 in the form of a Irrevocable Standby Letter of Credit with the County of Napa as the beneficiary as required by the Agreement.

Chapter 17.38 of 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 public's health, safety and welfare by deferring improvements. Extending the Agreement affords BTQC additional time to complete their development, and allows Napa County ability to further discuss the development of a Class 1 bike lane and an alternative development plan with BTQC.

Based on the information provided herein the Director of Planning, Building, and Environmental Services is recommending approval of the BTQC request for a one-year extension to October 31, 2018.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi