



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 10/30/2018

Agenda Placement: 6F

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

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

**REPORT BY:** Patrick Ryan, Engineering Manager - PBES - (707) 253.4892

**SUBJECT:** Extension of Improvement Agreement No. 4105 with Barrel Ten Quarter Circle for Public Improvements to October 31, 2019

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### **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, 2019 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, 2018.

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. Public Works anticipates beginning construction on the Devlin Road Extension over Fagan Creek in 2019. BTQC will be required to complete the remaining public improvements along Devlin Road associated with Agreement concurrently with the Public Works project. Provided the Devlin Road extension over Fagan Creek is not completed by October 31, 2019, it may be necessary to request an additional extension to the Agreement through October 31, 2020. Absent any delays in completion by the County of the Devlin Road extension over Fagan Creek, however, it is staff's intention not to grant any further extensions to the Agreement. Additionally, 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 in August of 2017, and was subsequently supported by staff. It is not necessary to update the estimated cost of improvements for this extension request and the accompanying security provided by BTQC satisfies the conditions of the Agreement. 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, 2019.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

The project is within the approve airport specific plan and was given a negative declaration. No changes have been made which would affect that decision.

### **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 Airpark 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 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 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, seventeen (17) 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. 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. The Department of Public Works

anticipates beginning construction of the Devlin Road extension to Tower Road in 2019; at which time BTQC will be required to complete the public improvements along Devlin Road concurrently with the Public Works Devlin Road extension to Tower Road. Provided the Devlin Road extension over Fagan Creek is not completed by October 31, 2019, it may be necessary to request an additional extension to the Agreement through October 31, 2020. Absent any delays in completion of the Devlin Road extension over Fagan Creek, however, it is not staff's intention to grant any further extensions to the Agreement.

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 this year allows staff and the applicant to discuss possible development of the Vine Trail Class I bike path parallel to Devlin Road and provides BTQC time to design and construct those improvements. BTQC has yet to develop the Napa Airport Center Unit 2 Subdivision thereby making the interior subdivision infrastructure not essential at this time. Additionally, BTQC has discussed with staff an alternative development plan that would alter the design or need for the interior subdivision streets.

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 design and construct those public improvements along Devlin Road and allows Napa County the ability to discuss the development of the Vine Trail Class I bike path parallel to Devlin Road. The extension provides BTQC the ability to revise the improvement construction estimate to reflect the remaining public improvements and inspection fees in accordance with the current inspection fee schedule and update the associated securities.

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, 2019.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi