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Recommended Conditions of Approval and Final Agency Approval Memos Building B

**PLANNING COMMISSION HEARING – NOVEMBER 20, 2024
RECOMMENDED CONDITIONS OF APPROVAL**

**E&P TECHNOLOGY WAY – BUILDING B
USE PERMIT APPLICATION P22-00308-UP
TECHNOLOGY WAY AND MORRIS COURT, NAPA,
CALIFORNIA
APN'S: 057-250-031, -032**

This Permit encompasses and shall be limited to the project commonly known as E&P Technology Way, Building B, located on the north side of Technology Way and the south side of Sheehy Creek. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

Where conditions are not applicable or relevant to this project, they shall be noted as "Reserved" and, therefore, have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

This Permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit for a new light industrial building as follows:
 - a. construction of an approximately 66,915 sf building, with work areas for warehouse and office areas;
 - b. on-site parking for 82 vehicles;
 - c. new driveways on Technology Way; and,
 - d. signage and landscape improvements.

The wine production facility shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa Valley Business Park Specific Plan and Napa County Code (County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 MONITORING COSTS

All Staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the permittee's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the project:

4.1 GROUND WATER MANAGEMENT – WELLS [RESERVED]

4.2 AMPLIFIED MUSIC

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.

4.3 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00 – 6:00pm). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.4 PARKING

All parking, driveways, and internal roadways shall comply with the Napa County Road and Street Standards. Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations. In no case shall parking impede emergency vehicle access or public roads.

4.5 TENANCY CHANGE

- a. Any future change of tenancy within the structure shall require administrative review and approval by the PBES Department prior to occupancy. The permittee shall provide the PBES Department with a written profile of the proposed tenant, including name, present address, phone number, description of proposed use, employees, a list of any hazardous materials, and any other information deemed necessary by the PBES Department. The permittee shall also provide a detailed floor plan of the entire structure identifying the location and square footage of all uses within the structure prior to any new tenancy.
- b. Parking based on the use of the tenant/building shall be provided in compliance with the Napa Valley Business Park (NVBP) prior to issuance of a Final Certificate of Occupancy. Parking shall be provided in accordance with the NVBP upon any change of use and/or tenancy, subject to review and approval by the PBES Director. The installation of parking may be deferred until such time as building tenancy requires, subject to review and approval by the PBES Director. Additional landscaping shall be provided in place of any deferred parking spaces.

4.6 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

Please contact the Building Division with any questions regarding the following:

In accordance with the California Building Code (CBC), no change shall be made in the use or occupancy of an existing building unless the building is made to comply with requirements of the current CBC as for a new building.

4.7 FIRE DEPARTMENT – TEMPORARY STRUCTURES

Please contact the Fire Department with any questions regarding the following:

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized events allowed per COA No. 1.0 above.

4.8 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

4.9 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
- b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
- c. All outdoor screening, storage, mechanical equipment and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items

shall exceed the height of the screening. Exterior equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.

- d. The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint color that differs from the approved building permit. Highly reflective surfaces are prohibited.
- e. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.10 NO TEMPORARY SIGNS

Temporary off-site signage, such as “A-Frame” signs are prohibited.

4.11 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES -
OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated March 1, 2023.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated October 23, 2024.
- c. Department of Public Works operational conditions as stated in their Memorandum dated October 30, 2024.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated September 29, 2022
- e. City of American Canyon operational conditions as stated in their “will serve” letter dated March 13, 2023.
- f. Napa Sanitation District operational conditions as stated in their “will serve” letter dated February 1, 2023, and letter dated September 29, 2022.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

4.12 OPERATIONAL MITIGATION MEASURES

- a. TRANS-1: The project sponsor for the Building B warehouse building shall submit a Transportation Demand Management Plan prepared by a qualified traffic engineer that achieves a reduction of 15 percent of daily vehicle travel, or a combined 202 VMT per day. The TDM for the warehouse building should include the following:

Commute Trip Reduction Program

A voluntary commute trip reduction program encourages alternative modes of transportation such as carpooling, transit, and biking. This program must include employer-provided services, infrastructure, and incentives for alternative modes, discounted transit, bicycling, vanpool, and guaranteed ride home. Additionally, information, coordination, and marketing for services, infrastructure, and incentives must be provided.

Rideshare Program

Providing a rideshare program would encourage carpooled vehicle trips over single-occupant vehicle trips. This should be promoted through a multi-faceted approach, which could include designating a certain percentage of desirable parking spaces for ridesharing vehicles or providing an app or website for coordinating rides.

Tele-Work/Compressed/Flex Schedules

Telework (i.e., working from home), compressed schedules (i.e., working more than eight hours each day and shortening the work week), and flex schedules (i.e., varying arrival and departure times to avoid peak commute hours) are three of the most commonly-employed scheduling options used to reduce vehicle trips. They are effective at reducing vehicle trips to work, particularly during peak commute hours. Employee work hours could be staggered to reduce congestion during peak traffic hours.

End-of-Trip Bicycle Facilities

Bicycle Parking - The provision of both short-term and long-term bicycle parking is important for encouraging employees to commute by bicycle. Secure long-term parking (e.g., bike lockers) is often a critical component in encouraging employees to bike to work as the lack of secure parking is often cited by employees as a deterrent to doing so. Short-term parking (e.g., bike racks) could be used by employees and is generally an inexpensive way to accommodate visitors as well.

Bicycle Maintenance Tools - In addition to providing bicycle parking, some businesses are now encouraging bicycle use by providing employees and visitors with the basic tools necessary to maintain their bicycles on site. Often, these tools can be kept in bicycle storage areas and include simple items such as a bike pump and tire patches that are essential, yet inexpensive, for bike travel.

Employee VMT Reduction

The expected VMT reductions associated with the various TDM measures identified were estimated based on information published in the California Air Pollution Officers Association (CAPCOA) report Handbook for Analyzing GHG Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, CAPCOA, 2022, and the Napa Mobility Management VMT Reduction Calculator Tool, which supports the goals of SB 743, as well as the location of the project site and knowledge of transportation characteristics of the area. The TDM strategies listed above are projected to result in a VMT reduction of 15 percent, accounting for the potentially overlapping effects of each strategy.

Method of Mitigation Monitoring: The applicant shall submit the TDM to the Planning Division, prior to issuance of grading or building permits. The Building B project sponsor, or future tenants, shall submit an annual progress report documenting the implemented TDM measures and the resulting VMT reduction percentages for review and approval by the Napa County PBES Director.

Responsible Agency(ies): PBES, Department of Public Works

4.13 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. General
There shall be no more than 100 people per acre inside structures and no more than 150 people per acre inside and outside.
- b. Greenhouse Gas Best Management Practices
 - 1. In conjunction with building permit application submittal, the Permittee shall provide documentation confirming to the Planning Division that all checked Voluntary Best Management Practices measures submitted with the project application shall be addressed through project construction and/or implemented through business operations.
 - 2. In conjunction with building permit application submittal, the Permittee shall not include natural gas appliances or natural gas plumbing within the building.
 - 3. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CAL Green Tier 2.
 - 4. In conjunction with building permit application submittal, the Permittee shall

4.14 PREVIOUS CONDITIONS **[RESERVED]**

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition environmental, building and/or other applicable permit applications:

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated March 1, 2023.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated October 23, 2024.
- c. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandum dated October 30, 2024.
- d. Fire Department plan review/construction/preoccupancy conditions as stated in their Inter-Office Memo dated September 29, 2022.
- e. City of American Canyon plan review/construction/preoccupancy conditions as stated in their "will serve" letter dated March 13, 2023.
- f. Napa Sanitation District plan review/construction/preoccupancy conditions as stated in their "will serve" letter dated February 1, 2023, and letter dated September 29, 2022.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The

inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

Please contact the Building Division with any questions regarding the following:

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the CBC or any State or local amendment adopted thereto
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and or site improvements shall comply with the CBC accessibility requirements, as well as, American with Disabilities Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided, as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward; located as low to the ground as possible; the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this permit. The plan shall be prepared pursuant to the Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

- b. Plant materials shall be purchased locally when practical, and, to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. All landscaped areas and sidewalks shall be separated from parking and drive aisle areas by a minimum 6 inch raised concrete curb. The irrigation system shall utilize reclaimed water. Two feet of required parking stall depth may overhang into non-required landscape planters and sidewalks. Standard sized parking stalls are required to have a minimum depth of 19 feet, and compact stalls may be 16 feet. A maximum of 35% of the parking stalls may be compact.
- e. The irrigation system shall utilize reclaimed water when it is made available in the vicinity. Any undeveloped portion of the property shall be hydro-seeded or an approved equivalent and permanently maintained.

6.5 COLORS

Exterior finishes and colors of the building, roof, parking lot and walkways shall be subject to approval by the Planning Division in conjunction with building permit review and/or prior to painting. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

Details of outdoor storage areas and structures shall be included on the building and landscape plans. No outdoor storage is permitted as part of this action. Any proposal for outdoor storage and proposed screening is subject to separate review and approval by the PBES Department. New utility lines required for this project shall be placed underground.

6.7 MECHANICAL EQUIPMENT

- a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building if screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any

skylights shall be subject to review and approval by the PBES Director prior to the issuance of building permits.

- b. The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.
- c. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.
- d. Exterior equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.8 TRASH ENCLOSURES

- a. The permittee shall provide one or more trash enclosures (decorative masonry or equivalent), the design of which shall be compatible with the architecture of the project. The enclosure shall be reasonably accessible to employees. A minimum 8' x 10' thickened paving section shall be provided in front of each enclosure. The PBES Director shall approve the design and location of each enclosure. All trash bins shall be stored within approved trash enclosures. The enclosure shall also include a separate pedestrian walk-in access.
- b. The permittee shall provide adequate, accessible, and convenient areas for the collection and loading of recyclable materials generated by the development. These areas shall be located adjacent to trash enclosures when practical. All recyclable materials areas shall be accessible by collection vehicles. The PBES Director shall approve the design and location of each collection and loading area.

6.9 BICYCLE PARKING

Bicycle parking areas shall be provided at a ratio of one bicycle parking space for every 25 employees, as applicable. At least one bicycle parking space shall be provided.

6.10 CONSTRUCTION CRANES

Any crane used in the construction of the phases shall be lighted and have flags for improved visibility from aircraft; no crane shall exceed 80 feet in height without first obtaining the Federal Aviation Administration's express approval.

6.11 AIRCRAFT OVERFLIGHT EASEMENT

Upon building permit submittal, the permittee shall submit verification that an aircraft overflight easement has been recorded on the property that provides for

the right of aircraft operation, overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.

6.12 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

6.13 HISTORIC RESOURCES **[RESERVED]**

6.14 DEMOLITION ACTIVITIES **[RESERVED]**

6.15 PERMIT PREREQUISITE MITIGATION MEASURES

The permittee shall comply with the following permit prerequisite mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. BIO 1 - Prior to issuance of a grading or building permit, the project applicant shall provide a silt fencing plan to protect the Sheehy Creek Conservation Easement area. The boundary of this Conservation Easement will serve as the setback for the proposed project. Silt fencing should be installed along the entire length of the riparian corridor (the Conservation Easement boundary) in order to avoid any impacts to this watercourse. The fencing shall be constructed of standard silt fencing with a minimum height above ground of 24 inches, with the bottom of the fence buried to a minimum depth of 6 inches. Grading shall occur during the dry season and should be suspended during rainfalls of greater than one-half inch over a 24-hour period. If rainfall is in the forecast, standard erosion control measures, such as straw waddles, bales, or additional silt fencing, should be deployed in any areas where silt fencing does not appear to be adequate. Construction personnel should be informed of the location of the site's aquatic resources and those locations should be demarcated with high-visibility flagging or staking prior to construction. No materials or equipment shall be stored in or near aquatic resources, and spill prevention materials shall be kept on-site at all times.

Method of Mitigation Monitoring: The permittee shall install silt fencing prior to earth disturbing activities. Silt fencing shall remain in place as long as earth disturbing constructing activities are conducted.

Responsible Agency(ies): PBES

- c. BIO 2 - The project sponsor or permittee shall conduct protocol-level special-status plant surveys during the flowering time of the target species (see Appendix B in the 2024 FCS report), following protocols as

specified in Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities dated March 20, 2018 (CDFW 2018). Two follow-up visits during the early and late flowering times of these species shall be performed to determine whether any special-status plants exist in the project area. If this spring survey does not result in positive occurrences of special-status plants, no impacts to special-status plant species or their habitats are anticipated, and no further action is required.

If spring plant surveys do detect special-status plant species on-site, species-specific mitigation measures shall be implemented in order to reduce the impacts from the proposed project to less than significant levels. Measures shall include transplanting of adult plants out of the project area, and collection of seed from on-site plants for propagation at a local nursery. Both nursery plants and transplanted adult plants should be planted in suitable habitat on-site that will not be subject to disturbance, such as the easement area surrounding Sheehy Creek. If no suitable habitat is available on-site for planting, plants shall be located on an off-site location confirmed by the project Biologist as a suitable location. Plants shall be replaced at a minimum of 3:1 ratio and monitored for a minimum of five (5) years, with any dead plants replaced so as to maintain the desired replacement ratio.

Method of Mitigation Monitoring: The permittee shall contract with a certified plant biologist to conduct the seasonal special-status protocol surveys. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any special-status plant species are found to occur on-site construction activities will be halted and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts as indicated above.

Responsible Agency(ies): PBES, CDFW

- c. BIO 3 - A survey for active bird nests shall be conducted by a qualified biologist no more than 14 days prior to the start of project activities, including vegetation removal, grading, or other ground-disturbing activities, if ground-disturbing activities commence during the nesting season (February 1 through August 31). The survey shall be conducted in a sufficient area around the project site to identify the location and status of any nests that could potentially be directly or indirectly affected by vegetation removal or grading activities, including in the disked area of the project site.

Surveys for nesting raptors, and migratory passerine birds shall be conducted by a qualified Biologist prior to project implementation. Surveys shall follow protocols approved by CDFW for detecting the presence or absence of these species. A final pre-construction survey for these species shall also be performed no more than 14 days prior to the start of project activities, including vegetation removal, grading, or other ground-disturbing activities, if ground-disturbing activities commence

during the nesting season (February 1 through August 31). The survey shall be conducted in a sufficient area around the project site to identify the location and status of any nests that could potentially be directly or indirectly affected by vegetation removal or grading activities, including in the disked area of the project site.

If active nests of protected species are found within the project area or close enough to the area to affect nesting success, a work exclusion zone shall be established around each nest. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive. Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors. An exclusion zone radius may be as small as 25 feet (for common, disturbance-adapted species) or as large as 250 feet or more for raptors. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified Biologist, in consultation with CDFW representatives, indicating that work activities are not significantly impacting the nest.

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 February 1 through September 30. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any special-status or other protected nesting birds are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting birds which may include preservation of potential foraging habitat.

Responsible Agency(ies): PBES, CDFW

- d. BIO-4, Swainson's Hawk Surveys and Avoidance Buffer - If Project activities are scheduled during the nesting season for Swainson's hawk (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to

initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.

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 March 1 through September 15. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any Swainson's hawks are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting birds which may include preservation of potential foraging habitat.

Responsible Agency(ies): PBES, CDFW

- e. BIO 5 - Impacts to Swainson's hawk foraging habitat shall be quantified by a qualified biologist based on the final Project design plans, and the Project shall obtain written acceptance of the acreage of habitat impacts from CDFW. Prior to Project construction, the Project shall provide Swainson's hawk foraging habitat mitigation at a minimum 1:1 ratio, which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of Swainson's hawk foraging habitat credits at a CDFW approved mitigation bank, unless otherwise approved in writing by CDFW.

Method of Mitigation Monitoring: The permittee shall provide CDFW with confirmation that appropriate habitat credits have been purchased prior to any construction activities scheduled to occur on the site. Upon verification from CDFW, the permittee shall submit documentation to the Napa County Planning, Building and Environmental Services prior to obtaining a permit from PBES.

Responsible Agency(ies): PBES, CDFW

- f. BIO-6, Burrowing Owl Habitat Assessment and Surveys - A qualified biologist shall conduct a habitat assessment and surveys for wintering burrowing owls prior to construction if construction starts during the burrowing wintering season (September 1 to January 31) Surveys shall

be conducted if warranted based on the habitat assessment. The habitat assessment and surveys shall follow the Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012) methodology (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>) and the qualified biologist shall prepare a report documenting the survey results. The habitat assessment and surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted, which is up to 500 meters (1,640 feet) around the Project site pursuant to the above methodology. Habitat assessments and surveys shall occur each year of Project construction, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days, unless otherwise approved in writing by CDFW.

Surveys for non-breeding burrowing owls shall be spread over four visits during the nonbreeding season (i.e., wintering), September 1 to January 31. Time lapses between surveys or Project activities shall trigger subsequent surveys including, but not limited to, a final survey within 24 hours prior to ground disturbance. The qualified biologist shall have a minimum of two years of experience implementing the above methodology resulting in burrowing owl detections. The Project shall immediately notify CDFW if burrowing owl is detected and implement a construction avoidance buffer around any detected burrowing owl pursuant to the buffer distances outlined in the Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012), which may be up to 500 meters (1,640 feet). Any detected owl shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW.

Method of Mitigation Monitoring: The permittee shall have a wintering burrowing owl survey completed prior to any construction activities scheduled to occur on the site from September 1 through January 31. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any burrowing owls are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to burrowing owls which may include preservation of potential foraging habitat.

Responsible Agency(ies): PBES,CDFW

- g. BIO-7, Burrowing Owl Foraging Habitat Mitigation - Impacts to burrowing owl foraging habitat shall be quantified by a qualified biologist based on the final Project design plans, and the Project shall obtain written acceptance of the acreage of habitat impacts from CDFW. Prior to Project construction, the Project shall provide burrowing owl foraging habitat mitigation at a minimum 1:1 ratio, which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of burrowing owl foraging habitat credits at a

CDFW approved mitigation bank, unless otherwise approved in writing by CDFW.

Method of Mitigation Monitoring: The permittee shall provide CDFW with confirmation that appropriate habitat credits have been purchased prior to any construction activities scheduled to occur on the site. Upon verification from CDFW, the permittee shall submit documentation to the Napa County Planning, Building and Environmental Services prior to obtaining a permit from PBES.

Responsible Agency(ies): PBES, CDFW

- h. BIO-8 - The project sponsor or permittee shall install exclusion fencing during the wet season (prior to April 1) along the entire length of the Sheehy Creek riparian corridor to prevent native amphibian species from entering the project site from Sheehy Creek. The fencing shall be constructed of standard silt fencing with a minimum height above ground of 24 inches, with the bottom of the fence buried to a minimum depth of 6 inches. Areas to be fenced shall be inspected for Foothill yellow-legged frog, California red-legged frog, and Western pond turtle by a qualified Biologist prior to installation, and the installed fencing shall again be inspected by the Biologist to ensure that it is installed properly. The fencing shall remain installed until on-site mechanized ground disturbance is completed. Following fencing installation and within 48 hours of the initiation of ground disturbance, a visual pre-construction survey for Foothill yellow-legged frog, California red-legged frog, and Western pond turtle covering all ground disturbance areas shall be performed by a qualified Biologist. If either of the subject species are observed within the covered areas, ground disturbance shall not proceed and other measures will be determined in coordination with the CDFW, as well as the USFWS if California red-legged frog is observed.

Following the pre-construction survey and prior to the initiation of ground-disturbing activities, a biological education program shall be provided by a qualified biologist to all personnel who will be present at the site during ground disturbance and related activities. The worker education program shall include information regarding the identification and natural history of Foothill yellow-legged frog, California red-legged frog, and Western pond turtle (including photographs), the potential for occurrence of these species within work areas, the legal status of each species, and the ramifications for unauthorized take. The biologist shall also explain the purpose of the exclusion fencing and measures for maintaining it. The biologist shall also provide guidance on what to do if animals are observed on-site, including halting all ground disturbance and immediately alerting the qualified biologist.

Method of Mitigation Monitoring: The permittee shall have a pre-construction survey completed prior to any construction activities scheduled to occur on the site prior to April 1. The survey results shall be provided to the Napa County Planning, Building and Environmental

Services. In the event any special-status or other protected nesting birds are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting birds which may include preservation of potential foraging habitat.

Responsible Agency(ies): PBES, CDFW

- i. BIO-9 - The project sponsor or permittee shall provide an arborists report and tree protection plan prepared by a qualified biologist/arborist to determine the final number of trees greater than 6-inches DBH to be removed in the project area. Trees shall be replaced elsewhere on-site at a replanting ratio consistent with the Napa County General Plan Policy CON-24. Trees should be replaced at not less than a 2:1 ratio and shall be of same species from local genotypes. Replanting should consist of irrigation and caging and shall be monitored for a minimum of 5 years.

Method of Mitigation Monitoring: The project sponsor or permittee shall submit an Arborist Report and qualified Tree Protection Plan and Tree Replacement Plan to the Napa County Planning, Building and Environmental Services, if required, prior to issuance of grading or building permits.

Responsible Agency(ies): PBES

- j. CULT-1 - Prior to ground disturbance activities on site, the project sponsor shall provide a cultural resources and tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The WEAP will be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology and the site protection manager for the Yocha Dehe Wintun Nation tribe. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP shall also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. Furthermore, the project sponsor shall sign the Cultural Sensitivity Training Agreement submitted by the Yocha Dehe Wintun Nation and deliver copies to the Napa County Planning and Building Services department for the administrative file.

Method of Mitigation Monitoring: The project sponsor/permittee shall coordinate with the Yocha Dehe Wintun Nation to ensure that the WEAP is completed prior to any construction activities, including signing the Cultural Sensitivity Training Agreement. Verification that the WEAP has

been conducted shall be provided to the Napa County Planning, Building and Environmental Services. In the event any previously undiscovered resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval that will be imposed on the project.

Responsible Agency(ies): PBES

- k. TRANS-1: The project sponsor for the Building B warehouse building shall submit a Transportation Demand Management Plan prepared by a qualified traffic engineer that achieves a reduction of 15 percent of daily vehicle travel, or a combined 202 VMT per day. The TDM for the warehouse building should include the following:

Commute Trip Reduction Program

A voluntary commute trip reduction program encourages alternative modes of transportation such as carpooling, transit, and biking. This program must include employer-provided services, infrastructure, and incentives for alternative modes, discounted transit, bicycling, vanpool, and guaranteed ride home. Additionally, information, coordination, and marketing for services, infrastructure, and incentives must be provided.

Rideshare Program

Providing a rideshare program would encourage carpooled vehicle trips over single-occupant vehicle trips. This should be promoted through a multi-faceted approach, which could include designating a certain percentage of desirable parking spaces for ridesharing vehicles or providing an app or website for coordinating rides.

Tele-Work/Compressed/Flex Schedules

Telework (i.e., working from home), compressed schedules (i.e., working more than eight hours each day and shortening the work week), and flex schedules (i.e., varying arrival and departure times to avoid peak commute hours) are three of the most commonly-employed scheduling options used to reduce vehicle trips. They are effective at reducing vehicle trips to work, particularly during peak commute hours. Employee work hours could be staggered to reduce congestion during peak traffic hours.

End-of-Trip Bicycle Facilities

Bicycle Parking - The provision of both short-term and long-term bicycle parking is important for encouraging employees to commute by bicycle. Secure long-term parking (e.g., bike lockers) is often a critical component in encouraging employees to bike to work as the lack of secure parking is often cited by employees as a deterrent to doing so. Short-term parking (e.g., bike racks) could be used by employees and is generally an inexpensive way to accommodate visitors as well.

Bicycle Maintenance Tools - In addition to providing bicycle parking, some businesses are now encouraging bicycle use by providing

employees and visitors with the basic tools necessary to maintain their bicycles on site. Often, these tools can be kept in bicycle storage areas and include simple items such as a bike pump and tire patches that are essential, yet inexpensive, for bike travel.

Employee VMT Reduction

The expected VMT reductions associated with the various TDM measures identified were estimated based on information published in the California Air Pollution Officers Association (CAPCOA) report Handbook for Analyzing GHG Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, CAPCOA, 2022, and the Napa Mobility Management VMT Reduction Calculator Tool, which supports the goals of SB 743, as well as the location of the project site and knowledge of transportation characteristics of the area. The TDM strategies listed above are projected to result in a VMT reduction of 15 percent, accounting for the potentially overlapping effects of each strategy.

Method of Mitigation Monitoring: The applicant shall submit the TDM to the Planning Division, prior to issuance of grading or building permits. The Building B project sponsor, or future tenants, shall submit an annual progress report documenting the implemented TDM measures and the resulting VMT reduction percentages for review and approval by the Napa County PBES Director.

Responsible Agency(ies): PBES, Department of Public Works

6.16 PARCEL CHANGE REQUIREMENTS

The permittee shall comply with the following requirements:

a. PARCEL MERGER

The parcels 057-250-031 and 057-250-032 shall be combined prior to the issuance of building permits.

6.17 FINAL MAPS **[RESERVED]**

6.18 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. Greenhouse Gas Best Management Practices

1. In conjunction with building permit application submittal, the Permittee shall provide documentation confirming to the Planning Division that all checked Voluntary Best Management Practices measures submitted with the project application shall be addressed through project construction and/or implemented through business operations.
2. In conjunction with building permit application submittal, the Permittee shall not include natural gas appliances or natural gas plumbing within the building.

3. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CAL Green Tier 2.
4. In conjunction with building permit application submittal, the Permittee shall

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

a. GRADING & SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

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 when average wind speeds exceed 20 mph.

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as

soon as possible after grading unless seeding or soil binders are used.

7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the State Regional Water Quality Control Board.

7.2 **ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 **CONSTRUCTION NOISE**

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off

the project site (such as on a neighboring road or at the base of a hill), such activities only shall occur daily between the hours of 8:00 AM to 5:00 PM.

7.4 CONSTRUCTION MITIGATION MEASURES

The permittee shall comply with the following construction mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. BIO 1 - Prior to issuance of a grading or building permit, the project applicant shall provide a silt fencing plan to protect the Sheehy Creek Conservation Easement area. The boundary of this Conservation Easement will serve as the setback for the proposed project. Silt fencing should be installed along the entire length of the riparian corridor (the Conservation Easement boundary) in order to avoid any impacts to this watercourse. The fencing shall be constructed of standard silt fencing with a minimum height above ground of 24 inches, with the bottom of the fence buried to a minimum depth of 6 inches. Grading shall occur during the dry season and should be suspended during rainfalls of greater than one-half inch over a 24-hour period. If rainfall is in the forecast, standard erosion control measures, such as straw waddles, bales, or additional silt fencing, should be deployed in any areas where silt fencing does not appear to be adequate. Construction personnel should be informed of the location of the site's aquatic resources and those locations should be demarcated with high-visibility flagging or staking prior to construction. No materials or equipment shall be stored in or near aquatic resources, and spill prevention materials shall be kept on-site at all times.

Method of Mitigation Monitoring: The permittee shall install silt fencing prior to earth disturbing activities. Silt fencing shall remain in place as long as earth disturbing constructing activities are conducted.

Responsible Agency(ies): PBES

- b. BIO 2 - The project sponsor or permittee shall conduct protocol-level special-status plant surveys during the flowering time of the target species (see Appendix B in the 2024 FCS report), following protocols as specified in Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities dated March 20, 2018 (CDFW 2018). Two follow-up visits during the early and late flowering times of these species shall be performed to determine whether any special-status plants exist in the project area. If this spring survey does not result in positive occurrences of special-status plants, no impacts to special-status plant species or their habitats are anticipated, and no further action is required.

If spring plant surveys do detect special-status plant species on-site, species-specific mitigation measures shall be implemented in order to reduce the impacts from the proposed project to less than significant levels. Measures shall include transplanting of adult plants out of the

project area, and collection of seed from on-site plants for propagation at a local nursery. Both nursery plants and transplanted adult plants should be planted in suitable habitat on-site that will not be subject to disturbance, such as the easement area surrounding Sheehy Creek. If no suitable habitat is available on-site for planting, plants shall be located on an off-site location confirmed by the project Biologist as a suitable location. Plants shall be replaced at a minimum of 3:1 ratio and monitored for a minimum of five (5) years, with any dead plants replaced so as to maintain the desired replacement ratio.

Method of Mitigation Monitoring: The permittee shall contract with a certified plant biologist to conduct the seasonal special-status protocol surveys. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any special-status plant species are found to occur on-site construction activities will be halted and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts as indicated above.

- c. BIO 3 - A survey for active bird nests shall be conducted by a qualified biologist no more than 14 days prior to the start of project activities, including vegetation removal, grading, or other ground-disturbing activities, if ground-disturbing activities commence during the nesting season (February 1 through August 31). The survey shall be conducted in a sufficient area around the project site to identify the location and status of any nests that could potentially be directly or indirectly affected by vegetation removal or grading activities, including in the disked area of the project site.

Surveys for nesting raptors, and migratory passerine birds shall be conducted by a qualified Biologist prior to project implementation. Surveys shall follow protocols approved by CDFW for detecting the presence or absence of these species. A final pre-construction survey for these species shall also be performed no more than 14 days prior to the start of project activities, including vegetation removal, grading, or other ground-disturbing activities, if ground-disturbing activities commence during the nesting season (February 1 through August 31). The survey shall be conducted in a sufficient area around the project site to identify the location and status of any nests that could potentially be directly or indirectly affected by vegetation removal or grading activities, including in the disked area of the project site.

If active nests of protected species are found within the project area or close enough to the area to affect nesting success, a work exclusion zone shall be established around each nest. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive. Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors. An exclusion zone radius may be as small as 25 feet (for common, disturbance-adapted species) or as large as 250 feet or more for raptors. Exclusion zone size may also be

reduced from established levels if supported with nest monitoring by a qualified Biologist, in consultation with CDFW representatives, indicating that work activities are not significantly impacting the nest.

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 February 1 through September 30. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any special-status or other protected nesting birds are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting birds which may include preservation of potential foraging habitat.

Responsible Agency(ies): PBES, CDFW

- d. BIO-4, Swainson's Hawk Surveys and Avoidance Buffer - If Project activities are scheduled during the nesting season for Swainson's hawk (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.

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 March 1 through September 15. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any Swainson's hawks are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting birds which may include preservation of potential foraging habitat.

Responsible Agency(ies): PBES, CDFW

- e. BIO 5 - Impacts to Swainson's hawk foraging habitat shall be quantified by a qualified biologist based on the final Project design plans, and the Project shall obtain written acceptance of the acreage of habitat impacts from CDFW. Prior to Project construction, the Project shall provide Swainson's hawk foraging habitat mitigation at a minimum 1:1 ratio, which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of Swainson's hawk foraging habitat credits at a CDFW approved mitigation bank, unless otherwise approved in writing by CDFW.

Method of Mitigation Monitoring: The permittee shall provide CDFW with confirmation that appropriate habitat credits have been purchased prior to any construction activities scheduled to occur on the site. Upon verification from CDFW, the permittee shall submit documentation to the Napa County Planning, Building and Environmental Services prior to obtaining a permit from PBES.

Responsible Agency(ies): PBES, CDFW

- f. BIO-6, Burrowing Owl Habitat Assessment and Surveys - A qualified biologist shall conduct a habitat assessment and surveys for wintering burrowing owls prior to construction if construction starts during the burrowing wintering season (September 1 to January 31) Surveys shall be conducted if warranted based on the habitat assessment. The habitat assessment and surveys shall follow the Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012) methodology (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>) and the qualified biologist shall prepare a report documenting the survey results. The habitat assessment and surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted, which is up to 500 meters (1,640 feet) around the Project site pursuant to the above methodology. Habitat assessments and surveys shall occur each year of Project construction, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days, unless otherwise approved in writing by CDFW.

Surveys for non-breeding burrowing owls shall be spread over four visits during the nonbreeding season (i.e., wintering), September 1 to January 31. Time lapses between surveys or Project activities shall trigger subsequent surveys including, but not limited to, a final survey within 24 hours prior to ground disturbance. The qualified biologist shall have a minimum of two years of experience implementing the above methodology resulting in burrowing owl detections. The Project shall immediately notify CDFW if burrowing owl is detected and implement a construction avoidance buffer around any detected burrowing owl pursuant to the buffer distances outlined in the Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012), which may be up to 500 meters (1,640 feet). Any detected owl shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW.

Method of Mitigation Monitoring: The permittee shall have a wintering burrowing owl survey completed prior to any construction activities scheduled to occur on the site from September 1 through January 31. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any burrowing owls are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to burrowing owls which may include preservation of potential foraging habitat.

Responsible Agency(ies): PBES, CDFW

- g. BIO-7, Burrowing Owl Foraging Habitat Mitigation - Impacts to burrowing owl foraging habitat shall be quantified by a qualified biologist based on the final Project design plans, and the Project shall obtain written acceptance of the acreage of habitat impacts from CDFW. Prior to Project construction, the Project shall provide burrowing owl foraging habitat mitigation at a minimum 1:1 ratio, which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of burrowing owl foraging habitat credits at a CDFW approved mitigation bank, unless otherwise approved in writing by CDFW.

Method of Mitigation Monitoring: The permittee shall provide CDFW with confirmation that appropriate habitat credits have been purchased prior to any construction activities scheduled to occur on the site. Upon verification from CDFW, the permittee shall submit documentation to the Napa County Planning, Building and Environmental Services prior to obtaining a permit from PBES.

Responsible Agency(ies): PBES, CDFW

- h. BIO-8 - The project sponsor or permittee shall install exclusion fencing during the wet season (prior to April 1) along the entire length of the Sheehy Creek riparian corridor to prevent native amphibian species from entering the project site from Sheehy Creek. The fencing shall be constructed of standard silt fencing with a minimum height above ground of 24 inches, with the bottom of the fence buried to a minimum depth of 6 inches. Areas to be fenced shall be inspected for Foothill yellow-legged frog, California red-legged frog, and Western pond turtle by a qualified Biologist prior to installation, and the installed fencing shall again be inspected by the Biologist to ensure that it is installed properly. The fencing shall remain installed until on-site mechanized ground disturbance is completed. Following fencing installation and within 48 hours of the initiation of ground disturbance, a visual pre-construction survey for Foothill yellow-legged frog, California red-legged frog, and Western pond turtle covering all ground disturbance areas shall be performed by a qualified Biologist. If either of the subject species are observed within the covered areas, ground disturbance shall not proceed and other measures will be determined in coordination with the CDFW, as well as the USFWS if California red-legged frog is observed.

Following the pre-construction survey and prior to the initiation of ground-disturbing activities, a biological education program shall be provided by a qualified biologist to all personnel who will be present at the site during ground disturbance and related activities. The worker education program shall include information regarding the identification and natural history of Foothill yellow-legged frog, California red-legged frog, and Western pond turtle (including photographs), the potential for occurrence of these species within work areas, the legal status of each species, and the ramifications for unauthorized take. The biologist shall also explain the purpose of the exclusion fencing and measures for maintaining it. The biologist shall also provide guidance on what to do if animals are observed on-site, including halting all ground disturbance and immediately alerting the qualified biologist.

Method of Mitigation Monitoring: The permittee shall have a pre-construction survey completed prior to any construction activities scheduled to occur on the site prior to April 1. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any special-status or other protected nesting birds are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting birds which may include preservation of potential foraging habitat.

Responsible Agency(ies): PBES, CDFW

- i. BIO-9 - The project sponsor or permittee shall provide an arborists report and tree protection plan prepared by a qualified biologist/arborist to determine the final number of trees greater than 6-inches DBH to be removed in the project area. Trees shall be replaced elsewhere on-site at

a replanting ratio consistent with the Napa County General Plan Policy CON-24. Trees should be replaced at not less than a 2:1 ratio and shall be of same species from local genotypes. Replanting should consist of irrigation and caging and shall be monitored for a minimum of 5 years.

Method of Mitigation Monitoring: The project sponsor or permittee shall submit an Arborist Report and qualified Tree Protection Plan and Tree Replacement Plan to the Napa County Planning, Building and Environmental Services, if required, prior to issuance of grading or building permits.

Responsible Agency(ies): PBES

- j. CULT-1 - Prior to ground disturbance activities on site, the project sponsor shall provide a cultural resources and tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The WEAP will be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology and the site protection manager for the Yocha Dehe Wintun Nation tribe. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP shall also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. Furthermore, the project sponsor shall sign the Cultural Sensitivity Training Agreement submitted by the Yocha Dehe Wintun Nation and deliver copies to the Napa County Planning and Building Services department for the administrative file.

Method of Mitigation Monitoring: The project sponsor/permittee shall coordinate with the Yocha Dehe Wintun Nation to ensure that the WEAP is completed prior to any construction activities, including signing the Cultural Sensitivity Training Agreement. Verification that the WEAP has been conducted shall be provided to the Napa County Planning, Building and Environmental Services. In the event any previously undiscovered resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval that will be imposed on the project.

Responsible Agency(ies): PBES

- k. TRANS-1: The project sponsor for the Building B warehouse building shall submit a Transportation Demand Management Plan prepared by a qualified traffic engineer that achieves a reduction of 15 percent of daily

vehicle travel, or a combined 202 VMT per day. The TDM for the warehouse building should include the following:

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A voluntary commute trip reduction program encourages alternative modes of transportation such as carpooling, transit, and biking. This program must include employer-provided services, infrastructure, and incentives for alternative modes, discounted transit, bicycling, vanpool, and guaranteed ride home. Additionally, information, coordination, and marketing for services, infrastructure, and incentives must be provided.

Rideshare Program

Providing a rideshare program would encourage carpooled vehicle trips over single-occupant vehicle trips. This should be promoted through a multi-faceted approach, which could include designating a certain percentage of desirable parking spaces for ridesharing vehicles or providing an app or website for coordinating rides.

Tele-Work/Compressed/Flex Schedules

Telework (i.e., working from home), compressed schedules (i.e., working more than eight hours each day and shortening the work week), and flex schedules (i.e., varying arrival and departure times to avoid peak commute hours) are three of the most commonly-employed scheduling options used to reduce vehicle trips. They are effective at reducing vehicle trips to work, particularly during peak commute hours. Employee work hours could be staggered to reduce congestion during peak traffic hours.

End-of-Trip Bicycle Facilities

Bicycle Parking - The provision of both short-term and long-term bicycle parking is important for encouraging employees to commute by bicycle. Secure long-term parking (e.g., bike lockers) is often a critical component in encouraging employees to bike to work as the lack of secure parking is often cited by employees as a deterrent to doing so. Short-term parking (e.g., bike racks) could be used by employees and is generally an inexpensive way to accommodate visitors as well.

Bicycle Maintenance Tools - In addition to providing bicycle parking, some businesses are now encouraging bicycle use by providing employees and visitors with the basic tools necessary to maintain their bicycles on site. Often, these tools can be kept in bicycle storage areas and include simple items such as a bike pump and tire patches that are essential, yet inexpensive, for bike travel.

Employee VMT Reduction

The expected VMT reductions associated with the various TDM measures identified were estimated based on information published in the California Air Pollution Officers Association (CAPCOA) report Handbook for Analyzing GHG Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, CAPCOA, 2022, and the Napa Mobility Management VMT Reduction Calculator Tool, which

supports the goals of SB 743, as well as the location of the project site and knowledge of transportation characteristics of the area. The TDM strategies listed above are projected to result in a VMT reduction of 15 percent, accounting for the potentially overlapping effects of each strategy.

Method of Mitigation Monitoring: The applicant shall submit the TDM to the Planning Division, prior to issuance of grading or building permits. The Building B project sponsor, or future tenants, shall submit an annual progress report documenting the implemented TDM measures and the resulting VMT reduction percentages for review and approval by the Napa County PBES Director.

Responsible Agency(ies): PBES, Department of Public Works

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

a. Sheehy Creek

The location of the Sheehy creek setbacks and conservation area shall be clearly demarcated in the field with temporary construction fencing, which shall be placed at the outermost edge of required setbacks shown on the approved project plans. Temporary protection fencing shall be installed prior to any earthmoving activities and remain in place through the duration of project construction. The locations of said protection fencing shall be inspected and approved by the Planning or Engineering Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, parking, etc. shall occur within the designated creek setback areas for the duration of the project. All construction and related traffic shall remain on the inside (development) of the protective fencing to ensure that the creek, buffer zones, and associated riparian habitat and/or woodland remain undisturbed.

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow specific limited use of the building prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for general public occupancy of buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. In special circumstances, Departments and/or Agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence:

9.1 FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any project identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if the signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATE/ENTRY STRUCTURES

Any gate installed at the project entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required pursuant to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this permit approval.

9.4 LANDSCAPING

Landscaping shall be installed in accordance with the approved landscape plan.

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVED]

9.6 DEMOLITION ACTIVITIES [RESERVED]

9.7 GRADING SPOILS

All spoils piles shall be removed in accordance with the approved grading permit and/or building permit.

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY [RESERVED]

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

- a. The temporary construction fencing placed along the Sheehy Creek setback shall be removed prior to final occupancy.



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

To: Sean Trippi Planning Division	From: Alexei Belov Engineering Division
Date: March 1, 2023	Re: E&P Technology Way Building B Engineering COA P22-00308 APN: 057-250-031 & 032

The Engineering Division received a referral for comment on a new Use Permit for a warehouse located on Technology Way. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

RECOMMENDED APPROVAL CONDITIONS:

ROAD & STREET STANDARDS

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest editions of the Napa County Road and Street Standards, for commercial development, at the time of Building Permit approval. The property owner shall obtain a Grading Permit for all proposed roadway improvements.
2. The applicant shall obtain an Encroachment Permit from the Napa County Department of Public Works for any work performed in the County Right-of-Way.

SITE IMPROVEMENTS

3. A **Grading Permit** shall be required for the proposed Site Improvements.
4. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, and parking and driveways, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the grading permit documents at the time of permit application. A plan check fee will apply.

5. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
6. **Prior to issuance of a development permit** (i.e. building permit and/or grading permit) the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance document, dated December 2014.
7. All improvements shall conform to the latest Napa County Airport Industrial Area Specific Plan.
8. Applicant shall pay the applicable Napa County Airport Industrial Area Traffic Mitigation Fees prior to receiving any development permits for this project. The applicant should contact the Public Works office to obtain information regarding the determination of this fee.

CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS

9. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of Regional Water Quality Control Board (RWQCB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County PBES Department Engineering Division for review.
10. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
11. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
12. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST - CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS

13. **Prior to issuance of a development permit** (i.e. building permit and/or grading permit) the owner shall submit a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual.

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

14. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.
15. All roadway improvements shall be completed prior to Final Occupancy.

Any changes in use may necessitate additional conditions of approval.

Any changes in use or design may necessitate additional review and approval. If you have any questions regarding the above items please contact Alexei Belov from Napa County PBES Department Engineering Division at (707) 299.2177 or via e-mail at Alexei.Belov@countyofnapa.org.




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Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Brian Bordona
Director

MEMORANDUM

To:	Sean Trippi, Supervising Planner	From:	Maureen Bown,  Senior Environmental Health
Date:	October 23, 2024	Re:	E & P Technology Way – Building B Assessor Parcel #057-250-031, -032 Permit# P22-00308

Environmental Health staff has reviewed an application requesting approval for a new building to produce and store wine, as described in the application. This Division has no objection to approval of the application with the following conditions of approval:

1. All wastewater lines of the proposed development must be connected to the Napa Sanitation District (NSD) and comply with conditions of approval. If pre-treatment is required by NSD, then it shall be permitted and operated at all times so as to not create a nuisance of noise or odors.
2. The proposed parcels must be connected to the City of American Canyon public water system.
3. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/>, and be approved by this Division within 30 days of said activities.
4. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.
5. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.



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Department of Public Works

1195 Third Street, Suite 101
Napa, CA 94559-3092
www.countyofnapa.org/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven Lederer
Director

MEMORANDUM

To:	PBES Staff	From:	Ahsan Kazmi, P.E. Senior Traffic Engineer
Date:	September 22, 2022	Re:	E&P Technology - Bldg A (P22-00307) & Bldg B (P22-00308)
Updated:	October 30, 2024		Conditions of Approval

This memorandum is prepared at the request of Planning, Building, and Environmental Services (PBES) staff to provide conditions of approval per County policies established for the Napa Valley Business Park related to the Use Permit Major Modification Application # P22-00307 and P22-00308 for the E&P Technology Way – Building A and B Projects, located north side of Technology Way and east side of Morris Court, in unincorporated Napa County, California 94558 (APN # 057-250-030, 031 and 032).

To prepare this Conditions of Approval Memorandum, the following documents were reviewed:

- Transmittal Letter by Mr. Mike Kelly, Agent for Applicant, dated August 30, 2022
- Use Permit Major Modification Application dated August 20, 2022
- Project Description by Mr. Dennis Paulley, dated August 22, 2022
- Preliminary Landscape, Civil and Architectural Plans, dated July 27, 2022
- Stormwater Control Plan Report dated July 29, 2022
- Geotechnical Investigation Report, dated September, 30, 2021
- Transportation Impact Study by W-Trans dated November 21, 2023

EXISTING SITE CONDITIONS:

The project site is located on the north side of Technology Way and Morris Court, in the County of Napa, California. The 20.07-acre site is currently undeveloped.

PROPOSED DEVELOPMENT:

The proposed project consists of two speculative industrial buildings (Buildings A and B) located within the IP: AC zoning. Anticipated uses are those that are consistent with this zoning. The buildings may be constructed in a single phase or in two phases. Building A is 143,312 SF on 13.2 acres. Building B is 66,915 SF on 6.87 acres.

The Department of Public Works has established the following conditions of approval related to the Use Permit Application Number P22-00307 and P22-308. **All listed conditions of approval shall be fully completed accordingly prior to the issuance of Building and Occupancy permits:**

1. Project Driveways

Driveway access to the public right-of-way must conform to the latest edition of the Napa County Road and Street Standards.

2. Landscaping Maintenance

Landscaping adjacent to the project driveway shall be designed and maintained to not interfere with sight lines required for safe stopping distance on the public right-of-way. No items wider than 18 inches can be taller than 30 inches other than street trees and traffic control devices. Street trees should be deciduous and have branches lower than 6 feet in height removed once the tree is established.

3. Encroachment Permit Requirement

An encroachment permit along with the required fee and a proposed traffic control plan will be required for the construction of any improvements within public right of way. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process. More information is available at our website: <http://www.countyofnapa.org/publicworks/roads/>

4. Transportation Demand Management Plan

The applicant/permittee shall submit a Final Transportation Demand Management (TDM) Plan that will include measures to reduce Vehicle Miles Traveled (VMT) by 15 percent, prior to issuance of a Building Permit. The measures shall include, but not limited to, subsidized transit passes, carpool incentives, and bicycle trip-end facilities. Implementation and monitoring shall be included in the Final TDM Plan.

5. On Street Parking

Parking within the public right-of-way will be prohibited.

6. Bicycle Facilities

The project shall install bicycle parking for both short-term visitors as well as covered bicycle parking for employees. Bicycle parking should be provided per the County of Napa Municipal Code.

7. Napa Valley Vine Trail Right-of-Way and Entitlements

If needed, the applicant shall provide necessary right-of-way and entitlements to the County of Napa per the recommendations of the Napa Valley Vine Trail, Napa Sanitation District Property Route Study, dated October, 17, 2016 and/or as modified by the Napa Valley Vine Trail Coalition.

8. Traffic Mitigation Fees Required

All new development or expansion of existing development that will generate additional traffic in the Napa Valley Business Park is required to pay a Traffic Mitigation Fee (TMF). The fees collected will use to fund the construction of new roads and intersection improvements in the area. The current TMF is \$685 per new daily trip that will be generated by E&P Technical Way Building A and B based on land use type. Any TMF paid for a shell building will be adjusted accordingly at the time of issuing the occupancy permit. The applicant shall pay the TMF before issuance of Building and Occupancy permits: Information on TMF is available at our website:

<http://www.countyofnapa.org/publicworks/roads>

If you have any questions or concerns on this matter, please contact Ahsan Kazmi, P. E. at ahsan.kazmi@countyofnapa.org or call (707) 259-8370 if you have any questions.



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1464

Jason Downs
Deputy Fire Marshal

MEMORANDUM

TO:	Planning Department	DATE:	9/29/2022
FROM:	Jason Downs, Deputy Fire Marshal	PERMIT #	P22-00308
SUBJECT:	E&P Technology - Building B	APN:	057-250-031-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the proposed project above. The Fire Marshal approves the project as submitted with the following conditions of approval:

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes, and ordinances at the time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized.
3. Where conditions listed in 2019 California Fire Code Section 105.7 are proposed, separate permits will be required prior to Building Permit issuance for:
 1. Automatic fire-extinguishing systems
 2. Fire alarm detection systems and related equipment
 3. Fire pumps and related equipment
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards
5. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
6. Provide fire department access roads within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
7. Roadways shall be a minimum of 20 feet in width with a 2-foot shoulder and 15-foot vertical clearance.



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Napa, CA 94559

Office: (707) 299-1464

Jason Downs
Deputy Fire Marshal

MEMORANDUM

8. Roadway radius shall not have an inside radius of fewer than 50 feet. An additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
9. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5, and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
10. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with California Fire Code Appendix B and the Napa County Municipal Code.
11. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested, and maintained per NFPA 24.
12. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
13. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24 for the installation of Underground Fire Protection Mains
14. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
15. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress Requirements. Including but not limited to; exit signs, exit doors, exit hardware, and exit illumination.
16. Provide 100 feet of defensible space around all structures.
17. Provide 10 feet of defensible space for fire hazard reduction on both sides of all roadways of the facility.



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Office: (707) 299-1464

Jason Downs
Deputy Fire Marshal

MEMORANDUM

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions for me, please contact me at (707) 299-1467 or by email at jason.downs@countyofnapa.org



March 13, 2023

Dennis Paulley
E&P Enterprises, Inc.
2250 S. Watney Way
Fairfield, CA 94533
Tel: (707) 745-1150

SUBJECT: Request for Water Service "Will-Serve" Letter
E&P Tech Way
Technology Way, Napa, CA 94558
(APN 057-250-031 & -032)

Dear Mr. Paulley,

The City of American Canyon has received your request as the Property Owner for a Will-Serve letter for water service to the property located on Technology Way (Assessor's Parcel Numbers: 057-250-031 and -032, referred to herein as the "Property"). The 6.87-acre Property is subject to approval of a pending Use Permit, P22-00308, from the Napa County Planning, Building & Environmental Services Department, for the development of the property consisting of a 66,915-square foot warehouse building, including site improvements.

It is the City's understanding that the Property is located within its Extraterritorial Water Service Area¹ and that a Will-Serve Letter for water service to the Property is required prior to the County's approval of a Use Permit. In general, the City reviews the impacts of such requests for service taking into account the overall demand within its system and known supplies available to meet this demand.

The City's understanding of the current request is based on water demand estimates attached to the Will-Serve Application dated August 22, 2022. At present, the Property does not have any existing structures.

As Table 1 shows, the requested annualized Average Daily Demand (ADD) is 233 gal/day. Table 2 details the requested Maximum Daily Demand (MDD) of 466 gal/day for the Property.

¹ As defined by Napa County Local Agency Formation Commission Policy 07-27.

Dennis Paulley
 E&P Properties
 March 13, 2023
 Page 2

Table 1 – Requested Average Day Demand

<u>Average Daily Water Demand (ADD) in gallons per day:</u>	
Domestic:	233 gpd
Irrigation:	0 ² gpd
Industrial:	0 gpd
Total:	233 gpd

Table 2 – Requested Maximum Day Demand

<u>Maximum Daily Water Demand (MDD) in gallons per day:</u>	
Domestic:	466 gpd
Irrigation:	0 ² gpd
Industrial:	0 gpd
Total:	466 gpd

The City's Zero Water Footprint (ZWF) Policy requires new development to offset all of its water demands in order to prevent reduction in the reliability of existing water supplies or increases in water rates to existing customers. In light of the information submitted in the Application, the City has determined that the Property will not have a Zero Water Footprint because, once complete, the Property's proposed ADD (233 gpd) will be greater than the established baseline ADD (0 gpd). Because the Owner is requesting service greater than the established baseline demand, the Property will potentially reduce the reliability of existing water supplies and increase costs to existing customers. In accordance with this Policy, a more detailed Water Supply Report has been prepared and is attached hereto and made a part of this "Will-Serve" Letter. In order to comply with the ZWF Policy and offset the Property's demand, the applicant shall contribute to the City's ZWF Mitigation Fund, whereby the City will continue to undertake water conservation efforts to offset the requested ADD increase of 233 gpd. Such efforts will result in this Property achieving a net zero impact to the City's water system, therefore adhering to the ZWF Policy.

This Will-Serve Letter supersedes any other purported service commitments to the Property for any use. By way of this Will-Serve Letter, the City is offering to meet the water service demands shown Tables 1 & 2. The City's offer is contingent upon the occurrence and/or satisfaction of the following conditions and the continued existence of the following described conditions:

² The project site is located within the Napa Sanitation District' (Napasán) recycled water service area.

Dennis Paulley
E&P Properties
March 13, 2023
Page 3

1. Owner shall be subject to all City's rules and regulations, including all fees and charges.
2. At no cost to the City, the Owner shall construct all facilities necessary to serve the Property in accordance with all City standards.
3. As part of the application process, the owner/developer shall submit a Developer Deposit Project Setup Form and pay the required deposit of \$2,000. The deposit will be retained and the owner will receive a monthly statement of charges for the cost of processing the application, including writing water service will-serve, plan review, and inspections. At the close of the project, the last statement will be deducted from the deposit and remainder will be refunded to the owner.
4. The City has experienced potential reduction and/or curtailment of its primary sources of water supply during times of drought. When these reductions occur, the City's demands may exceed available supplies. In an effort to reduce this undesirable imbalance, the City is taking steps to reduce customer demands while also seeking to acquire additional supplies. The cost of these additional supplies is unknown at this time and is not included in the current City water rates. The City is considering implementing potential changes to its rate structure which would be applied in a uniform manner in order to acquire such supplies. The Owner agrees to waive any protest to changes to current City water rates necessary to acquire additional water supplies during their formulation, implementation, and review under the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA") as long as such changes are initiated during the term of this Will-Serve Water Supply Agreement or any extension thereof. Moreover, the Owner acknowledges that the City, during dry years, may be unable to meet the Property's water service demands and that its water service may be uniformly reduced and/or curtailed entirely. Owner further agrees to indemnify, defend, and hold harmless the City, its elected officials, officers, attorneys, employees, or agents for any and all damages or claims of damages stemming from such uniform reductions or curtailments that may occur as long as they are directly related to the City's provision for water to the Property.
5. As a result of *Vineyard Area Citizens for Responsible Growth v. Rancho Cordova* (2007) 40 Cal.4th 412, the County, as lead agency pursuant to CEQA, prior to approval of the Project must, at a minimum during its environmental review:
 - a. Present sufficient facts to evaluate the pros and cons of supplying the water that the Project will need,
 - b. Present analysis that assumes that all phases of the Project will be built and will need water and includes an analysis, to the extent reasonably possible, of the consequences of the impacts of providing water to the entire project, and

Dennis Paulley
E&P Properties
March 13, 2023
Page 4

- c. Where it is impossible to determine that anticipated future water sources will be available, some discussion of possible replacement sources or alternatives to use of anticipated water and of those impacts must be presented.
6. The Owner agrees its financial obligation for water service is as follows:
- a. Monthly water service charges will be billed at the current rate (commercial rate of \$7.33 per unit, 1 unit = 748 gal). At present, the estimated average monthly water service fee will be approximately \$68.50³, plus meter fees and any surcharges. Service charges will be billed at the rates in effect at the time of service and are subject to change.
 - b. The water capacity fee for the Property will be \$15,289.46⁴ based on MDD of 466 gpd. Capacity fee will be adjusted based on fees in effect at the time of payment.
 - c. The ZWF Mitigation (offset) cost for the Property is \$2,150.77⁵ in order to achieve compliance with the ZWF Policy.
 - d. Capacity fee and mitigation funds are due and payable prior to issuance of a building permit.
7. The Property shall incorporate the following water conservation best management practices:
- Dual plumb the building to receive recycled water for toilet flushing
 - Motion sensor faucets
 - Use recycled water for landscaping
 - On demand (Instahot) hot water heaters for individual restrooms or the plumbing of hot water return lines with an integral pump if using a centralized tank or tankless unit
 - Education of employees regarding water conservation (offered in both English and Spanish)
8. The City reserves the right to audit the site's water demand as deemed necessary in order to verify that the Owner's water use is in accordance with this Will-Serve letter.
9. Future changes to the Project with respect to the change in use or water demands shall require that a new Will-Serve Letter be issued.

This Will-Serve Letter will remain valid until February 28, 2025. The City reserves the right to further condition and/or deny the extension of water service if the Project is different from that which presently proposed and

³ Calculation: (233 gpd * \$7.33/748 gal) x 30 days/month = \$68.50/month

⁴ Calculation: 466 gpd x \$32.81/gpd = \$15,289.46. This fee based on rates effective February 4, 2023

Resolution 2022-R104. Actual fee to be based on rates in effect at time of payment

⁵ Calculation: 233 gpd/65 gpd x \$600 = \$2,150.77

Dennis Paulley
E&P Properties
March 13, 2023
Page 5

authorized or if events out the City's control impact the City's ability to furnish water.

Except to the extent set forth, this letter does not create a liability or responsibility to the Owner or to any third party on behalf of the City. The City does not make determination as to land use entitlements required for the proposed project and the issuance of this Will-Serve letter shall not be construed to be an expression of the City of a position regarding the use or intensity of use of the development Property or that the County has complied with applicable law in assessing the proposed project under CEQA.

This Will-Serve Letter becomes effective only upon the express acknowledgement and acceptance of the conditions set forth herein as demonstrated by the execution of the acceptance provision set forth below and the transmittal of the executed acceptance to the City.

Sincerely yours,

DocuSigned by:
 3/13/2023
A02D878043A74E7...
Erica Ahmann Smithies, P.E.
Public Works Director/City Engineer

cc: Jason Holley, City Manager
William Ross, City Attorney
Utility Billing

Dennis Paulley
E&P Properties
March 13, 2023
Page 6

ACCEPTANCE
of
City's Conditional Offer of Water Service for
E&P Tech Way
Technology Way, Napa, CA 94558
(APN 057-250-031 and 032)

I, Dennis Paulley, President,
(Print Name) (Print Title)

accept the conditions set forth in this communication.

DocuSigned by:
Dennis Paulley
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(Signature)

Date: 3/15/2023



PUBLIC WORKS DEPARTMENT

4381 BROADWAY, SUITE 201
AMERICAN CANYON, CA 94503

WATER SUPPLY REPORT

FOR

E&P Tech Way

Technology Way, Napa, CA 94558
Napa County Assessor's Parcel Number
057-250-031 & -032

Prepared by:

Edison Bisnar
Development Services Engineer

Approved by:

DocuSigned by:

Erica Ahmann Smithies

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Erica Ahmann Smithies, P.E.
Public Works Director/City Engineer

3/13/2023

Date

TABLE OF CONTENTS

PREFACE.....2

SECTION 1.0 - REQUEST FOR SERVICE3

SECTION 2.0 - PROJECT WATER FOOTPRINT4

SECTION 3.0 – CAPACITY FEES AND SERVICE CHARGES7

SECTION 4.0 - *VINEYARDS* ANALYSIS7

ACKNOWLEDGEMENT OF WATER SUPPLY ANALYSIS.....10

PREFACE

This Water Supply Report (WSR) is prepared in response to a request received by the City of American Canyon for a new water service(s) and/or an expansion of existing water service(s). The intent of the WSR is to help inform the discretionary approval process undertaken in conjunction with the request. Chief among its purpose is to:

- Determine if the request is consistent with City ordinances, policies, and practices;
- Determine whether the City's water supply is sufficient to grant the request when compared to existing and other planned future uses, including agricultural and manufacturing uses; and
- To establish a water allocation for the property.

On October 23, 2007, the American Canyon City Council adopted the following definition as the basis for its Zero Water Footprint (ZWF) Policy:

Zero Water Footprint – No loss of water service reliability or increase in water rates to the City of American Canyon's existing water service customers due to requested increase demand for water within the City's water service area.

The overarching intent of the ZWF Policy is to require all new development (residential or non-residential), or the expansion of existing commercial and industrial development, to mitigate all new water demands with "wet-water" offsets by one or more of the following options:

- Reducing existing potable water demands on-site
- Funding programs or constructing projects that would conserve an equivalent amount of water elsewhere within the water service area
- Funding of and/or constructing projects that would increase an equivalent amount of recycled water use elsewhere within the water service area where potable water is currently used.
- Purchase new water supplies from other water providers

SECTION 1.0 - REQUEST FOR SERVICE

1.1 - Property Description

The property is located on Technology Way (Assessor's Parcel Number: 057-250-031 & -032) on approximately 6.87 acres referred to herein as the "Property." The Property is zoned Industrial Park (IP) with Airport Compatibility (AC) and is located within the City's Extraterritorial Water Service Area (ETSA)¹.

1.2 - Project Description

The proposed project is to build a 66,915 square foot warehouse. Entitlements required include a Use Permit from Napa County (P22-00308) and Will-Serve Letters from the City (for potable water service – domestic and fire service) and Napa Sanitation District (for sewer and recycled water)².

The project incorporates the following water conservation best management practices:

- Dual plumbed the building to receive recycled water for toilet flushing
- Motion sensor faucets
- Use recycled water for landscaping
- On demand (Instahot) hot water heaters for individual restrooms or the plumbing of hot water return lines with an integral pump if using a centralized tank or tankless unit
- Education of employees regarding water conservation (offered in both English and Spanish)

1.3 - Status of Existing Services

The property is currently vacant. The City has no record of historical potable water use at the property. No prior Will-Serve Letters have been issued by the City. The property is located within the Napa Sanitation District's (NSD) recycled water service area. Recycled water is available in the area.

1.4 - Will Serve Application

A Will-Serve Application, dated August 22, 2022, was submitted on behalf of the Owner, Dennis Paulley. The application submitted details the anticipated and existing water demands for the Site. Staff has reviewed the provided application and finds the estimate to be consistent with industry standards for similar uses.

1.5 – Average Day Demand (ADD)

¹ As defined by Napa County Local Agency Formation Commission Policy 07-27.

² The project site is located within the Napa Sanitation District's (Napasand) recycled water service area.

As shown on Table 1, the anticipated "Average-Day" Demand (ADD) for the Property is 233 gpd.

Table 1 – Property ADD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
233	0	0	233

1.6 - Maximum Day Demand (MDD)

As shown in Table 2, the anticipated Maximum Demand (MDD) for the Property is 466 gpd.

Table 2 – Property MDD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
466	0	0	466

SECTION 2.0 - PROJECT WATER FOOTPRINT

2.1 – Project Demand Consistency with UWMP and ACMC 13.10

The City's 2010 Urban Water Management Plan (UWMP) assumes industrially zoned property will have up to a maximum ADD of 675 gpd per acre. American Canyon Municipal Code Section 13.10 further limits industrially zoned property within City limits and the broader City ETSA up to a maximum ADD of 650 gpd per acre. As shown in Table 3 below, the Property's estimated ADD (33.92 gpd per acre) is less than the maximum allowed by the ACMC 13.10 (650 gpd per acre):

Table 3 – Maximum ADD			
Parcel Size (acres)	UWMP (gpd/acre)	ACMC 13.10 (gpd/acre)	Property ADD (gpd/acre)
6.87	675	650	33.92

2.2 - Baseline Water Footprint

The Property's Baseline Water Footprint is determined as one of the following: a) the approved demand amount specific in a current, (unexpired) Will-Serve Letter, Water Supply Report and/or Water Service Agreement; b) the water demand calculated from an audit of three-years of water use; or c) absent other information, the water demand in 2007. As shown in Table 4 below, the Property's baseline water footprint is 0 gpd.

Table 4 – Baseline Water Footprint			
Approved Demand (gpd)	Audited Demand (gpd)	Historical Demand (gpd)	Baseline Water Footprint
N/A	0	N/A	0

2.3 - Zero Water Footprint Determination

Because the Property ADD (233 gpd) exceeds the Property's Baseline Water Footprint, the Property does not have a Zero Water Footprint (ZWF). Because the Property does not have a ZWF, the new demand(s) on the City's water system could potentially result in a loss in water service reliability or increase in water rates to the City's existing customers.

2.4 - Demand Offset

The City has established various programs intended to offset new demand(s) on its water system. The Property has agreed to participate in one such program whereby old plumbing fixtures in existing residences (such as toilets, showers and faucets) are replaced with high-efficiency fixtures. On average the cost to replace the fixtures in a single family dwelling unit is \$600 and results in an on-going savings of 65 gpd. By facilitating the replacement of these fixtures city-wide, the Property's new demand is offset by water which is saved elsewhere. The Property has agreed to contribute \$2,150.77³ to the City's Zero Water Footprint Mitigation Fund. Monies in the Fund are used to pay for replacement of plumbing fixtures. The amount paid will result in equivalent savings of 233 gpd, thereby offsetting the Property's new ADD.

2.5 - Project Impact on Reliability & Rates

The City's water treatment, delivery and storage system is reliable to serve demands of existing development that existed at the time of ZWF Policy implementation in 2007. New or increased demands to the City's system after

³ Calculation: 233 gpd/65 gpd x \$600 = \$2,150.77

the implementation of the ZWF Policy are determined to potentially have a negative impact on the City's water system reliability which could result in an increase in water rates of existing customers. By facilitating the replacement of inefficient plumbing fixtures through the monetary contribution to the City's ZWF Mitigation Fund, the Property has offset its new demand and thus, it is reasonable to conclude that it will have no impact on reliability or rates.

2.6 - Short term mitigations

The water impacts of the Property will be fully mitigated by the financial contribution it will make to the water capacity fee program in addition to the ZWF Mitigation fee to mitigate 100% of the Property's new water demand.

2.7 - Long term mitigations

The City's Water Shortage Emergency Plan authorizes the City Council to declare a water shortage emergency⁴. Emergencies are declared in four stages with specific reduction methods used for each stage. In the event the City experiences short term water shortages and determines it is necessary to purchase dry year water the Owner shall provide funds to the City of American Canyon to purchase dry-year water. Upon demand of the Public Works Director, when a water shortage has been declared by the City Council, the project may have to contribute a reasonably determined and reasonably allocated non-refundable payment to the water operations fund to allow the City to acquire dry-year water, if reasonably necessary. The projects contribution shall be equal to the properties reasonably allocated annual demand (AFY) times the City's reasonable cost of a one-year transfer. The annual demand will be implemented uniformly to all City water uses, determined by a City water audit of all City water uses for the previous water year and the analysis in reasonable detail made available to the Owner for reasonable review and comment prior to implementation. The contribution shall be recalculated and made on an annual basis, as reasonably necessary.

⁴ APMC §13.14.070

SECTION 3.0 – CAPACITY FEES AND SERVICE CHARGES

3.1 - Capacity Fee

Based on the American Canyon Water Capacity Fee Ordinance⁵, the Project shall pay a Water Capacity Fee is \$15,289.46. This amount one-time fee is based on the rate of \$32.81 per gallon x MDD (466 gpd).

3.2 – Service Charge

The Property is located outside the City's corporate boundary but within the City's Extraterritorial Water Service Area as defined by LAFCO. Based on the American Canyon Water Capacity Fee Ordinance⁶, the Property shall accrue a monthly service charge in the amount of \$7.33/100 cubic feet (in effect at the time of service and are subject to change), plus monthly meter fees.

3.3 - Reimbursable Improvements

The Property proposes no improvement that would be eligible for reimbursement.

SECTION 4.0 - VINEYARDS ANALYSIS

4.1 – Vineyards Decision

The California Supreme Court decision "*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova and Sunrise Douglas Property Owners Association, et al.*" sets forth guidelines for evaluating the water supply of a project under the California Environmental Quality Act (CEQA). It 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.

4.2 - Facts with Respect to Existing Water Supply and Demand

The City's 2015 Urban Water Management Plan (UWMP) analyzed existing demands and anticipated future demand growth. The 2015 UWMP also quantified the amounts and reliability of its water supplies in various planning horizon scenarios.

The City has entered into enforceable long-term contracts for its supply of potable water. The suppliers are the State Department of Water Resources (DWR) and City of Vallejo. The DWR supplies are provided by the State Water

⁵ ACMC §13.06.090

⁶ ACMC §13.06.040

Project (SWP) and they vary each year up to a maximum of 5,200 acre-feet. The Vallejo supplies are 500 acre-feet of raw water as needed and up to 2,640 acre-feet of treated water may be purchased as a retail customer.

City customers consumed 2,976 acre-feet of SWP water in 2015. The 2015 UMWP determined adequate supplies exist for all planning horizons and supply scenarios, except for the "2030 single-dry scenario".

New water demand from the Project and reduced per capita consumption (facilitated by the City's Water Conservation Program) was anticipated as part of the assumed future demand growth in all planning horizons and supply scenarios in the 2015 UWMP. If the total ADD or MDD exceed the totals shown in this report, the applicant will be subject to penalties in-place at the time and has agreed to take the necessary measures to reduce demand to comply with this report.

4.3 – Anticipated Water Supplies over the Life of the Project

The City has developed a capacity fee capital program and water conservation program which, when implemented, will reasonably ensure an adequate supply of potable water and recycled water to meet demands under normal years, multiple-dry-years, and single-dry-years.

By fully complying with the City's ZWF Policy, the project will offset its new demand by paying an in-lieu fee that will be used by the City to implement its water conservation efforts to reduce potable water demands throughout its Water Service Area. Given the City's efforts to expand its water portfolio in terms of supply, storage, and conservation, and the fact that this project will not result in an increased demand on the existing system, it is reasonable to project there is sufficient water supply over the life of the project.

4.4 – Environmental Impacts of Likely Future Water Sources

According to the 2015 UWMP, adequate long-term supplies exist for all planning horizons and supply scenarios, except for the "2030 single-dry scenario". The Project will offset its new demand by paying an ZWF Mitigation fee that will be used by the City to further its water conservation efforts to reduce potable water demands throughout its Water Service Area. These efforts will have no significant impacts to the physical environment.

Moreover, it is unlikely that additional long-term supplies will need to be developed to meet the new demands attributable to the Project and it would be unnecessarily speculative to analyze the potential impact of such an unlikely activity.

Lastly, the City Council adopted a Mitigated Negative Declaration in November 2003 in conjunction with the adoption of the Recycled Water Facilities Plan. That plan identifies a series of projects which in conjunction with the water

conservation program will reduce potable water demands throughout its Water Service Area. Impacts caused by the implementation of the Recycled Water Facilities Plan are less than significant because the new recycled water distribution pipelines were to be located in existing paved public rights of way.

ACKNOWLEDGEMENT OF WATER SUPPLY ANALYSIS

**E&P Tech Way
Technology Way, Napa, CA 94558
(APN 057-250-031 & 032)**

I, Dennis Paulley, acknowledge and accept
the water supply analysis as set forth in this Water Supply Report
dated 3/13/2023.

DocuSigned by:
Dennis Paulley
34E37F8C0EC1404...
(Signature)

Date: 3/15/2023



February 1, 2023

Planning, Building & Environmental Services – County of Napa
1195 Third Street, 2nd Floor
Napa, CA 94559

SUBJECT: APN 057-250-030; -031; and -032 – E&P Technology Way –
Buildings A & B
NapaSan Will Serve #101

To Whom It May Concern:

The Napa Sanitation District (NapaSan) has received a request to provide a "Will Serve" letter for two proposed industrial buildings, Building A (APN 057-250-030) and Building B (APN 057-250-031 and -032) to be located at the north side of Technology Way and Morris Court. Building A will be 143,312 SF and Building B will be 66,915 SF. Building A will be used for the following – office/administration, wine production, bulk juice fermentation, wine tank storage, barrel storage, bottling, and case good storage operations. Building B will be used for warehouse and storage space. The subject parcels are currently within NapaSan's Sphere of Influence and within NapaSan's boundaries. NapaSan will provide sanitary sewer and recycled water service to these parcels.

The following items will be required by the owner/developer:

1. Install the sanitary sewer improvements as specified in NapaSan's Conditions of Approval for the project.
2. Pay the appropriate capacity and development fees. The facility shall be subject to all applicable rules and regulations of NapaSan.
3. Enter into an Industrial User permit for industrial process wastewater discharged to NapaSan, or obtain a Zero Waste Discharge permit

NapaSan has been informed that Building A is estimated to generate approximately 230 gallons of domestic wastewater per day, which is equivalent to the flow of approximately 1 single-family dwelling.

NapaSan has been informed that Building A is estimated to generate approximately 11,265 gallons of industrial process wastewater per day, which is equivalent to the flow of approximately 68 single-family dwellings.

NapaSan has been informed that Building B is estimated to generate approximately 106 gallons of domestic wastewater per day, which is equivalent to the flow of approximately 1 single-family dwelling. There is no plan for Building B to generate industrial process wastewater at this time.

NapaSan
1515 Soscol Ferry Road
Napa, CA 94558

Office (707) 258-6000
Fax (707) 258-6048

www.napasandist.com

These parcels are within NapaSan's recycled water service area. The development will be required to install the necessary facilities to utilize recycled water for landscape irrigation. The project has requested service for approximately 3.2 acres of landscaping, with a recycled water demand of approximately 5.4 acre-feet per year. NapaSan will provide recycled water service to these parcels.

This "Will Serve" letter for sanitary sewer service and recycled water is valid for a period of three (3) years from the date of this letter. If the proposed development has not obtained its required Connection Permits from NapaSan at the end of this time, this "Will Serve" letter shall become void. If you have any questions regarding this matter, please contact me at (707) 258-6012 or gglascott@napasan.com.

Sincerely,

A handwritten signature in black ink that reads "Gavin Glascott". The signature is written in a cursive, flowing style.

Gavin Glascott
Assistant Civil Engineer



COLLECTION • TREATMENT • RECOVERY • REUSE

September 29, 2022

Planning, Building, & Environmental Services
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: 22-00308 E&P Technology Way – Building B, REFRL-001352, E&P Properties, Inc.,
Technology Way and Morris Ct. (Trippi)

NapaSan has reviewed the above-named application, which will be reviewed at an
Interdepartmental Staff Meeting.

The owner shall pay to NapaSan the prevailing fees and charges in effect as established by
Resolutions and Ordinances before the issuance of a County Building Permit, and shall adhere
to the rules and regulations as they apply to the application.

NapaSan has identified the following comments based on the current application. NapaSan
reserves the right to modify the following conditions/comments based on changes to future
applications or changes to the project site plan.

The proposed project shall be subject to the following conditions of approval:

1. A plan showing the required sanitary sewer improvements, conforming to NapaSan standards, shall be prepared by a registered civil engineer and shall be submitted to NapaSan for approval prior to issuance of permits.
2. Sanitary sewer mains shall have a minimum clearance of 10 feet from proposed trees, 10 feet from water mains, 5 feet from other utilities, and 5 feet from bioretention areas.
3. NapaSan has Best Management Practices (BMPs) for specific industries/businesses which contain proven practices for reducing pollution in wastewater. Some BMPs are mandatory. The proposed project shall comply with mandatory BMPs. All sewer discharges from the proposed development shall meet the Local Limits for constituents of concern established by NapaSan.
4. Discharge lines from the elevator sump pits shall not be connected to the sanitary sewer system.



5. If the owner desires to discharge process wastewater to the District in the future, the owner would be required to pay capacity charges to NapaSan based on the rates in effect at the time and would be subject to the rules and regulations in effect at that time. At a minimum the facility would be subject to the following:
 - a. Installation of a flow meter and sampler on the process waste line
 - b. Ensure that the discharge conforms with the District's Local Limits
 - c. Provide NapaSan with a wastewater treatment plan
 - d. Obtain an Industrial Waste Discharge Permit from NapaSan for the winery operation.
 - e. Permit conditions would be established by NapaSan at the time an application is made by the owner.
6. All specialty hardscape/landscape features proposed within the existing sanitary sewer easements shall be subject to approval by NapaSan. If approved, the owner shall enter into an indemnification agreement with NapaSan that places the expense for removal and/or replacement of the features on the owner.
7. Floor drains are not allowed in the building except in the restroom and food service areas.
8. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
 - a. Plan Check Fees
 - b. Inspection Fees
 - c. Capacity Charges for commercial space (based on use and square footage)
 - d. Capacity Charges for process waste (calculated per Section 5.02.030.B of NapaSan Code. Contact NapaSan for additional information).
9. The subject parcel shall use recycled water for landscape irrigation.
10. There is an existing 15-foot-wide sanitary sewer easement running along the western property line of the subject parcel, a 15-foot-wide sewer easement running along the southern property line of the subject parcel, and a 25-foot-wide sewer easement running along the northern property line of the subject parcel. No trees or other permanent structures will be allowed within the easement areas. All-weather access drives shall be provided to the existing manholes.
11. Each parcel shall be served by a separate sanitary sewer lateral.



12. Should there be a drain in the trash enclosure, it shall be connected to the grease interceptor serving the building and the trash enclosure shall meet NapaSan standards. Contact NapaSan for more information.

13. NapaSan has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at NapaSan's website (www.NapaSan.com). NapaSan may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.

The capacity charge for an equivalent dwelling unit currently is \$11,087 and will increase by the Consumer Price Index (CPI) annually in July. Commercial capacity charges are determined per NapaSan Code Section 5.02.030.B. Contact NapaSan Staff at (707) 258-6012 or gglascott@napasan.com for additional information.

Sincerely,

A handwritten signature in black ink that reads 'Gavin Glascott'. The signature is written in a cursive, flowing style.

Gavin Glascott
Assistant Engineer