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Planning, Building & Environmental Services

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Brian D. Bordona
Director

MEMORANDUM

To: Planning Commission	From: Wendy Atkins, Planner II
Date: July 31, 2025	Re: Gateway 24 Napa, New Winery Use Permit P24-00134-UP

The purpose of this memorandum is to provide revised Recommended Conditions of Approval, which address the recommendations of the Department of Fish and Wildlife related to Condition of Approval 7.4, Mitigation Measure BIO-1. Changes are shown in underline and strikethrough.

PLANNING COMMISSION HEARING – AUGUST 6, 2025
DRAFT RECOMMENDED CONDITIONS OF APPROVAL

GATEWAY 24 NEW WINERY
USE PERMIT APPLICATION NUMBER P24-0134
TERMINUS OF GATEWAY ROAD EAST BORDERED BY HWY 29 TO THE EAST AND
SHEEHY CREEK TO THE NORTH
APN 057-200-039

This permit encompasses and shall be limited to the project commonly known as Gateway 24 New Winery Use Permit, located at the terminus of Gateway Road East bordered by Hwy 29 to the east, and Sheehy Creek to the north. 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 guests of the winery 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

The permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit for a 250,000 gallon per year winery including a to allow the following:
 - a. construction of a 54,790 sq. ft one-story concrete tilt-up winery building for production, storage, and office areas;
 - b. installation of a parking area with fifty-five (55) parking spaces, including four (4) accessible spaces and three (3) electric vehicle charging stations;
 - c. construction of a new driveway on Gateway Road East;
 - f. hours of operation (6 a.m. to 8 p.m. Monday through Sunday);
 - g. six full-time employees during non-harvest and 15 full-time employees during harvest;
 - h. connection to municipal water and sewer services provided by the City of American Canyon and the Napa Sanitation District, respectively.
- 1.2 Approval of a variation to the development regulations of Napa Valley Business Park Specific Plan (NVPBSP) to increase the building height from 35-feet to a maximum of 45-feet.

The winery building 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 County Code (the 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 guests of the winery to ensure compliance is achieved. Any expansion or change in winery 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 applicant'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 winery:

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 October 21, 2024.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated April 17, 2025.
- c. Department of Public Works operational conditions as stated in their Memorandum dated October 29, 2024.

- d. Fire Department operational conditions as stated in their Inter-Office Memo dated July 26, 2024.
- e. City of American Canyon operational conditions as stated in their “will serve” letter dated November 15, 2024.
- f. Napa Sanitation District “will serve” letter, dated April 4, 2025, and conditions of approval, dated June 25, 2024.
- g. Federal Aviation Administration operational conditions as stated in their letters dated February 10, 2025, and March 4, 2025.

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 **[RESERVED]**

4.13 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Winery Operations
 - 1. There shall be no tours and tastings or marketing events unless a modification to this use permit is approved by the County.
 - 2. Retail sales of wine shall be permitted as set forth in the County Code.
 - 3. Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.
 - 4. No winery facilities, or portions thereof, including, without limitation, any barrel storage areas, warehousing, or office space, shall not be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

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.

4.14 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 October 21, 2024.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated April 17, 2025.
- c. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandum dated October 29, 2024.
- d. Fire Department plan review/construction/preoccupancy conditions as stated in their Inter-Office Memo dated July 26, 2024.
- e. City of American Canyon operational conditions as stated in their “will serve” letter dated November 15, 2024.
- f. Napa Sanitation District “will serve” letter, dated April 4, 2025, and conditions of approval, dated June 25, 2024.
- g. Federal Aviation Administration operational conditions as stated in their letters dated February 10, 2025, and March 4, 2025.

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.

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 California Building Code (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 on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability 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, shall be located as low to the ground as possible, shall be 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. Lighting utilized during harvest activities is exempt from this requirement.

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 Use Permit. The plan shall be prepared pursuant to the County's 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. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. 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 the winery 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. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

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. Mitigation Measure BIO-2 – No more than two weeks prior to the commencement of ground-disturbing activities, a Qualified Biologist shall perform surveys for western pond turtles within aquatic and upland habitat at the Project, unless otherwise approved in writing by CDFW. Surveys will encompass individual turtles and nest sites. An additional survey shall occur no more than 48 hours prior to Project activities. If a pond turtle or nest site is detected at any time, CDFW shall be notified immediately. Survey results shall be submitted to CDFW and to Planning, Building & Environmental Services prior to construction activities. All western pond turtles observed on-site shall be avoided and allowed to leave the Project activity area of their own volition or may be relocated with prior written approval from CDFW. Any turtle nest sites shall be avoided with an appropriate buffer identified by a Qualified Biologist and accepted in writing by CDFW. [insert measure]

Method of Monitoring: The permitted shall have a survey for western pond turtles within aquatic and upland habitat at the Project, unless otherwise approved in writing by CDFW completed no more than two weeks prior to the commencement of ground-disturbing activities. An additional survey shall occur no more than 48 hours prior to Project activities. The survey results shall be provided to the Napa County Planning, Building & Environmental Services.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

- b. Mitigation Measure CUL-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 [WEA]) 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 Yoche

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 Yoche Dehe Wintun Nation and deliver copies to the Napa County Planning, Building, & Environmental Services Department for the administrative file.

Method of Monitoring: The project sponsor/permittee shall coordinate with the Yoche 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 & Environmental Services Department. 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 condition of approval 7.2 Archeological Finding.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

6.16 PARCEL CHANGE REQUIREMENTS [RESERVED]

6.17 FINAL MAPS [RESERVED]

6.18 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Temporary construction fencing shall be placed along the Sheehy Creek conservation easement prior to any earth disturbing activities. The location of the fencing shall be identified on the construction site plan and Civil drawings submitted for building permit review. The fencing may be temporarily removed during construction of the stormdrain outfall into Sheehy Creek.
- b. In conjunction with building permit application submittal, the permittee shall not include natural gas appliances or natural gas plumbing within the new building.

- c. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- d. 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 Use Permit application shall be addressed through project construction and/or implemented through winery operation.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

a. GRADING AND 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 traced 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 by 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/perfact_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 California 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 normally 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 shall only occur daily between the hours of 8 am to 5 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:

Mitigation Measure BIO-1 - Swainson Hawk: If, prior to Project construction activities, nesting SWHA are detected within 0.25 miles of the Project site, impacts to SWHA 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 foraging habitat impacts from CDFW. Prior to Project construction, the Project shall provide SWHA 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 SWHA foraging habitat credits at a CDFW-approved mitigation bank, unless otherwise approved in writing by CDFW.

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 Monitoring: The permittee shall have a Swainson's hawk nesting survey completed prior to any construction activities scheduled to occur on the site from March 1 through September 30. The survey shall also be conducted in accordance with 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>). The survey results shall be provided to CDFW and the Napa County Planning, Building & Environmental Services. In the event 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.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

- b. Mitigation Measure BIO-3 – If Project construction activities, including but not limited to vegetation clearing, occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately February 15-August 31) the Project shall retain a qualified biologist to perform preconstruction surveys for nesting birds, including but not limited to nesting raptors, on the Project site and in the immediate vicinity including a minimum 500 foot radius around the Project site. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird survey shall be conducted. In the event that nesting birds are found on the Project site or within 500 feet of the Project site, the Project shall: Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or evidence of their presence is found; Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances for bird nests shall be site specific and an appropriate distance, as determined by a qualified biologist, unless otherwise approved in writing by CDFW. The buffer distances shall be specified to protect the bird's normal behavior

thereby preventing nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established;

Within five working days of the nesting bird surveys prepare a survey report and submit it to CDFW; and Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.

Method of Monitoring: The permittee shall have a preconstruction nesting bird survey completed prior to any construction activities scheduled to occur on the site from February 15 through August 31. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird survey shall be conducted. In the event that nesting birds are found on the Project site or within 500 feet of the Project site, the Project shall: Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or evidence of their presence is found. Establish a clearly marked no-disturbance buffer around the nest site. The survey results shall be provided to CDFW and the Napa County Planning, Building & Environmental Services.

Following the "clear and Grub" of the project site, and prior to the commencement of project-related trenching or grading, an Archaeologist who meets the Secretary or the Interior's Professional Qualifications Standards for archaeology conduct an updated survey. This shall be followed by Worker Environmental Awareness Program WEAP training for archaeological resources to be given to all construction personnel directly involved with project-related ground disturbance. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may found within the project site, and procedures to be followed in the event such resources are encountered.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

- c. **Mitigation Measure BIO-4:** 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.

If take of burrowing owl (BUOW) cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities commence. Take is likely to occur and the Project shall obtain an ITP if: 1) BUOW surveys of the Project site detect BUOW occupancy of burrows or burrow surrogates, or 2) there is sign of BUOW occupancy on the Project site within the past three years and habitat has not had any substantial change that would make it no longer suitable within the past three years. Occupancy means a site that is assumed occupied if at least one BUOW has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable BUOW habitat may also be indicated by BUOW sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site. If BUOW, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project site during BUOW surveys, but not on the Project site, the Project shall consult with CDFW to determine if avoidance is feasible, or an ITP is warranted and shall obtain an ITP if deemed necessary by CDFW.

Method of 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): Planning Division, California Department of Fish and Wildlife

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

- a. Prior to initial ground disturbance, the applicant shall enter into a Standard Monitoring Agreement (Agreement) with the Yocha Dehe Wintun Nation. The Agreement will ensure that a Tribal Cultural Advisor designated by the Tribe is onsite to oversee development and ground disturbance.
- b. Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), potholing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities 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 the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. 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 winery 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 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. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code. **[Pre-WDO signs to be addressed specifically for each project.]**

9.3 GATES/ENTRY STRUCTURES

Any gate installed at the winery 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

Landscape shall be installed in accordance with the approved landscaping plan.

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

All spoils 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 CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY
Temporary construction fencing placed along the Sheehy Creek conservation easement shall be removed prior to final occupancy.

PLANNING COMMISSION HEARING – AUGUST 6, 2025
DRAFT RECOMMENDED CONDITIONS OF APPROVAL

GATEWAY 24 NEW WINERY
USE PERMIT APPLICATION NUMBER P24-0134
TERMINUS OF GATEWAY ROAD EAST BORDERED BY HWY 29 TO THE EAST AND
SHEEHY CREEK TO THE NORTH
APN 057-200-039

This permit encompasses and shall be limited to the project commonly known as Gateway 24 New Winery Use Permit, located at the terminus of Gateway Road East bordered by Hwy 29 to the east, and Sheehy Creek to the north. 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 guests of the winery 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

The permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit for a 250,000 gallon per year winery including a to allow the following:
 - a. construction of a 54,790 sq. ft one-story concrete tilt-up winery building for production, storage, and office areas;
 - b. installation of a parking area with fifty-five (55) parking spaces, including four (4) accessible spaces and three (3) electric vehicle charging stations;
 - c. construction of a new driveway on Gateway Road East;
 - f. hours of operation (6 a.m. to 8 p.m. Monday through Sunday);
 - g. six full-time employees during non-harvest and 15 full-time employees during harvest;
 - h. connection to municipal water and sewer services provided by the City of American Canyon and the Napa Sanitation District, respectively.
- 1.2 Approval of a variation to the development regulations of Napa Valley Business Park Specific Plan (NVPBSP) to increase the building height from 35-feet to a maximum of 45-feet.

The winery building 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 County Code (the 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 guests of the winery to ensure compliance is achieved. Any expansion or change in winery 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 applicant'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 winery:

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 October 21, 2024.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated April 17, 2025.
- c. Department of Public Works operational conditions as stated in their Memorandum dated October 29, 2024.

- d. Fire Department operational conditions as stated in their Inter-Office Memo dated July 26, 2024.
- e. City of American Canyon operational conditions as stated in their “will serve” letter dated November 15, 2024.
- f. Napa Sanitation District “will serve” letter, dated April 4, 2025, and conditions of approval, dated June 25, 2024.
- g. Federal Aviation Administration operational conditions as stated in their letters dated February 10, 2025, and March 4, 2025.

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 **[RESERVED]**

4.13 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Winery Operations
 - 1. There shall be no tours and tastings or marketing events unless a modification to this use permit is approved by the County.
 - 2. Retail sales of wine shall be permitted as set forth in the County Code.
 - 3. Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.
 - 4. No winery facilities, or portions thereof, including, without limitation, any barrel storage areas, warehousing, or office space, shall not be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

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.

4.14 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 October 21, 2024.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated April 17, 2025.
- c. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandum dated October 29, 2024.
- d. Fire Department plan review/construction/preoccupancy conditions as stated in their Inter-Office Memo dated July 26, 2024.
- e. City of American Canyon operational conditions as stated in their “will serve” letter dated November 15, 2024.
- f. Napa Sanitation District “will serve” letter, dated April 4, 2025, and conditions of approval, dated June 25, 2024.
- g. Federal Aviation Administration operational conditions as stated in their letters dated February 10, 2025, and March 4, 2025.

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.

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 California Building Code (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 on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability 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, shall be located as low to the ground as possible, shall be 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. Lighting utilized during harvest activities is exempt from this requirement.

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 Use Permit. The plan shall be prepared pursuant to the County's 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. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. 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 the winery 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. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

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. Mitigation Measure BIO-2 – No more than two weeks prior to the commencement of ground-disturbing activities, a Qualified Biologist shall perform surveys for western pond turtles within aquatic and upland habitat at the Project, unless otherwise approved in writing by CDFW. Surveys will encompass individual turtles and nest sites. An additional survey shall occur no more than 48 hours prior to Project activities. If a pond turtle or nest site is detected at any time, CDFW shall be notified immediately. Survey results shall be submitted to CDFW and to Planning, Building & Environmental Services prior to construction activities. All western pond turtles observed on-site shall be avoided and allowed to leave the Project activity area of their own volition or may be relocated with prior written approval from CDFW. Any turtle nest sites shall be avoided with an appropriate buffer identified by a Qualified Biologist and accepted in writing by CDFW. [insert measure]

Method of Monitoring: The permitted shall have a survey for western pond turtles within aquatic and upland habitat at the Project, unless otherwise approved in writing by CDFW completed no more than two weeks prior to the commencement of ground-disturbing activities. An additional survey shall occur no more than 48 hours prior to Project activities. The survey results shall be provided to the Napa County Planning, Building & Environmental Services.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

- b. Mitigation Measure CUL-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 [WEA]) 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 Yoche

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 Yoche Dehe Wintun Nation and deliver copies to the Napa County Planning, Building, & Environmental Services Department for the administrative file.

Method of Monitoring: The project sponsor/permittee shall coordinate with the Yoche 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 & Environmental Services Department. 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 condition of approval 7.2 Archeological Finding.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

6.16 PARCEL CHANGE REQUIREMENTS [RESERVED]

6.17 FINAL MAPS [RESERVED]

6.18 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Temporary construction fencing shall be placed along the Sheehy Creek conservation easement prior to any earth disturbing activities. The location of the fencing shall be identified on the construction site plan and Civil drawings submitted for building permit review. The fencing may be temporarily removed during construction of the stormdrain outfall into Sheehy Creek.
- b. In conjunction with building permit application submittal, the permittee shall not include natural gas appliances or natural gas plumbing within the new building.

- c. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- d. 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 Use Permit application shall be addressed through project construction and/or implemented through winery operation.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

a. GRADING AND 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 traced 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 by 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/perfact_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 California 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 normally 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 shall only occur daily between the hours of 8 am to 5 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:

Mitigation Measure BIO-1 - Swainson Hawk: If, prior to Project construction activities, nesting SWHA are detected within 0.25 miles of the Project site, impacts to SWHA 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 foraging habitat impacts from CDFW. Prior to Project construction, the Project shall provide SWHA 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 SWHA foraging habitat credits at a CDFW-approved mitigation bank, unless otherwise approved in writing by CDFW.

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 Monitoring: The permittee shall have a Swainson's hawk nesting survey completed prior to any construction activities scheduled to occur on the site from March 1 through September 30. The survey shall also be conducted in accordance with 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>). The survey results shall be provided to CDFW and the Napa County Planning, Building & Environmental Services. In the event 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.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

- b. Mitigation Measure BIO-3 – If Project construction activities, including but not limited to vegetation clearing, occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately February 15-August 31) the Project shall retain a qualified biologist to perform preconstruction surveys for nesting birds, including but not limited to nesting raptors, on the Project site and in the immediate vicinity including a minimum 500 foot radius around the Project site. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird survey shall be conducted. In the event that nesting birds are found on the Project site or within 500 feet of the Project site, the Project shall: Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or evidence of their presence is found; Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances for bird nests shall be site specific and an appropriate distance, as determined by a qualified biologist, unless otherwise approved in writing by CDFW. The buffer distances shall be specified to protect the bird's normal behavior

thereby preventing nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established;

Within five working days of the nesting bird surveys prepare a survey report and submit it to CDFW; and Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.

Method of Monitoring: The permittee shall have a preconstruction nesting bird survey completed prior to any construction activities scheduled to occur on the site from February 15 through August 31. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird survey shall be conducted. In the event that nesting birds are found on the Project site or within 500 feet of the Project site, the Project shall: Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or evidence of their presence is found. Establish a clearly marked no-disturbance buffer around the nest site. The survey results shall be provided to CDFW and the Napa County Planning, Building & Environmental Services.

Following the "clear and Grub" of the project site, and prior to the commencement of project-related trenching or grading, an Archaeologist who meets the Secretary or the Interior's Professional Qualifications Standards for archaeology conduct an updated survey. This shall be followed by Worker Environmental Awareness Program WEAP training for archaeological resources to be given to all construction personnel directly involved with project-related ground disturbance. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may found within the project site, and procedures to be followed in the event such resources are encountered.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

- c. **Mitigation Measure BIO-4:** 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.

If take of burrowing owl (BUOW) cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities commence. Take is likely to occur and the Project shall obtain an ITP if: 1) BUOW surveys of the Project site detect BUOW occupancy of burrows or burrow surrogates, or 2) there is sign of BUOW occupancy on the Project site within the past three years and habitat has not had any substantial change that would make it no longer suitable within the past three years. Occupancy means a site that is assumed occupied if at least one BUOW has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable BUOW habitat may also be indicated by BUOW sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site. If BUOW, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project site during BUOW surveys, but not on the Project site, the Project shall consult with CDFW to determine if avoidance is feasible, or an ITP is warranted and shall obtain an ITP if deemed necessary by CDFW.

Method of 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): Planning Division, California Department of Fish and Wildlife

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

- a. Prior to initial ground disturbance, the applicant shall enter into a Standard Monitoring Agreement (Agreement) with the Yocha Dehe Wintun Nation. The Agreement will ensure that a Tribal Cultural Advisor designated by the Tribe is onsite to oversee development and ground disturbance.
- b. Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), potholing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities 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 the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. 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 winery 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 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. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code. **[Pre-WDO signs to be addressed specifically for each project.]**

9.3 GATES/ENTRY STRUCTURES

Any gate installed at the winery 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

Landscape shall be installed in accordance with the approved landscaping plan.

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

All spoils 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 CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY
Temporary construction fencing placed along the Sheehy Creek conservation easement shall be removed prior to final occupancy.



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Planning, Building & Environmental Services

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Brian D Bordona
Director

MEMORANDUM

To: Trevor Hawkes, Planning	From: Raulton Haye, Engineering
Date: October 21, 2024	Re: P24-00134 Napa Gateway 24 Winery APN: 057-200-039

The Engineering Division has reviewed the use permit application P24-00134 for the winery located on assessor's parcel number 057-200-039. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

1. The Existing Parcel is in the Airport Industrial Area

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, 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 building and/or grading permit documents at the time of permit application. A plan check fee will apply.

4. 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.
5. **Prior to issuance of a building 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 for Applicant and Review Staff dated December 2014.
6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.
8. All improvements shall conform to the latest Napa County Airport Industrial Area Specific Plan.
9. Applicant shall pay the applicable Napa County Airport Industrial Area Traffic Mitigation Fees prior to receiving any building permits for this project. The applicant should contact the Public Works office to obtain information regarding the determination of this fee.
10. The Applicant must comply with all associated requirements and exhibits relating to water conditions to be imposed on all parcels as described in Napa County Agreement No. 7070, between the County of Napa and the City of American Canyon.

PREREQUISITES DURING PROJECT CONSTRUCTION

11. Required on-site pre-construction meeting with the Napa County PBES Engineering Division **prior to start of construction**.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

12. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. **** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

13. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
14. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Raulton Haye from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)253-4621 or by email at Rauton.Haye@countyofnapa.org



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Brian Bordona
Director

MEMORANDUM

To: Wendy Atkins, Project Planner	From: Maureen S. Bown, Senior Environmental Health Specialist
Date: August 4, 2025	Re: Gateway 24- New Winery Use Permit: P24-00134 APN 057-200-039-000

Environmental Health staff has reviewed an application requesting approval to establish a new winery in the Napa Valley Business Park Gateway Building, as described in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. All sanitary wastewater lines of the proposed development must be connected to the Napa Sanitation District and comply with the condition of approval outlined in Napa Sanitation District's letter, dated June 25, 2024.
2. The proposed development must be connected to the City of American Canyon water system.
3. A plan for the hold and haul system must be submitted for review and approval prior to issuance of a building permit. The hold and haul plan must be designed in accordance with Napa County Code Title 13 and shall comply with the conditions of approval outlined in Napa Sanitation District's letter dated June 25, 2024.
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.

During construction and/or prior to final occupancy being granted:

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.
6. Obtain an annual operating permit for the hold and haul system.

Upon final occupancy and thereafter:

7. 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.
8. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.

9. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.



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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Anna Vickroy, P.E., T.E., Traffic Engineering Staff Consultant
Date: October 29, 2024	Re: Gateway 24 Napa, P24-00134 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 Application #P24-00134 for the Gateway 24 Napa Project, located at Gateway Road East (APN 057-200-039-000) in Napa County, CA.

This Use Permit Application proposed to construct a 54,770 square foot structure for a 250,000 gallons-per-year winery. The facility is proposed to include wine production and warehouse/storage space, office space, laboratory space and an employee breakroom.

Existing Conditions

- The parcel is located at the north terminus of the cul-de-sac of Gateway Road East.
- The site is located within the boundaries of the Napa Valley Business Park Specific Plan.
- The site is undeveloped and exists as natural grasslands.

The Department of Public Works has established the following conditions of approval related to the Use Permit Application Number P24-00134. All listed conditions of approval shall be fully completed accordingly prior to the issuance of Building and Occupancy permits:

1. Project Driveway

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

2. Street Frontage Improvements

The project shall construct improvements along Gateway Road East fronting the property, such as but not limited to curbs and gutters, ADA ramps, utility call outs, traffic control devices such as signing and striping, consistent with the Napa Valley Business Park Specific Plan (NVBPSP) design standards for minor streets. Improvement plans shall be prepared by a Registered Civil Engineer, in compliance with the NVBPSP and the Napa County Road and Street Standards, for approval by the Department of Public Works, Road Commissioner. If needed, additional right-of-way shall be dedicated to the public as necessary to encompass the improvements. Improvement plans and right-of-way dedication, if needed, shall be completed prior to issuance of any permits.

3. 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 that are 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.

4. **Napa Valley Vine Trail Right-of-Way and Entitlements** The project 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.

5. Encroachment Permit Requirement

All new connections to a public right-of-way shall require an encroachment permit. An encroachment permit, with the associated fee deposit, will be required during the building permit phase. A complete plan set must be submitted with all **street frontage improvements required by the use permit, as well as utility work in the road and right-of-way**. Proposed landscaping must also be shown (trees in the right-of-way will not be approved). Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process.

6. Traffic Mitigation Fee Requirement

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 are used to fund the construction of new roads and intersection improvements in the area. **The applicant agreed to pay TMF based on the size of a shell/warehouse to get a Building Permit before construction. However, the applicant shall pay the balance of TMF based on trip generation by the proposed winery before issuance of Occupancy Permit.** Information on Encroachment Permits and TMF is available at our website:

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

7. Transportation Demand Management (TDM)

The applicant/permittee shall submit a Transportation Demand Management (TDM) Plan that will include measures to reduce vehicle trips, 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.

8. Bicycle Facilities

The project shall install secure long-term bicycle parking for use by employees. Bicycle parking should be provided per the County of Napa Municipal Code.

Please contact Ahsan Kazmi at Ahsan.Kazmi@countyofnapa.org or call (707) 259-8370 if you have questions or need additional information.



A Tradition of Stewardship
A Commitment to Service

Napa County Fire Department
Fire Marshal's Office

951 California Blvd
Napa, CA 94559
www.countyofnapa.org
Main: (707) 299-1464

Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

TO:	Planning Department	DATE:	7/26/2024
FROM:	Jason Downs, Fire Marshal	PERMIT #	P24-00134
SUBJECT:	Gateway 24 Napa	APN:	057-200-039-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the above-proposed project. 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 2022 California Fire Code Section 105 are proposed, separate permits will be required before Building Permit issuance for:
 1. Automatic fire-extinguishing systems
 2. Fire alarm and detection systems and related equipment
 3. Fire pumps and related equipment
 4. High-piled combustible storage
 5. Private fire hydrants
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.



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Fire Marshal

Napa County Fire Department Conditions of Approval

6. Provide fire department access roads to 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.
8. Roadway radius shall not have an inside radius of less 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 pressurized 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



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**Napa County Fire Department
Fire Marshal's Office**

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Main: (707) 299-1464

Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

14. An automatic fire sprinkler system shall be installed by provisions outlined 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.
18. Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.

Please note that the Conditions of Approval are determined solely by the Fire Marshal's review. Other County Departments or Divisions reviewing this application submission may have additional comments or information requests. For more detailed information on the Napa County Fire Marshal's Office Development Guidelines, please visit www.countyofnapa.org/firemarshal. If you have any further questions, please feel free to contact me at (707) 299-1467 or email me at jason.downs@countyofnapa.org.



November 15, 2024

Shea Rouda
Gateway 24 Napa, LLC
220 Montgomery St. #1069
San Francisco, CA 94014

SUBJECT: Request for Water Service "Will-Serve" Letter
Gateway 24 Napa, LLC Winery and Office Building
Gateway Road East, Napa, CA 94558
(APN 057-200-039)

Dear Mr. Rouda,

The City of American Canyon has received your request, as the Property Representative, for a Will-Serve Letter for water service to the property located on Gateway Road East (Assessor's Parcel Number 057-200-039, referred to herein as the "Property"). The 4.33-acre Property is subject to approval of a pending Use Permit, P24-00134 from Napa County's Planning, Building & Environmental Services Department, for the development of the property consisting of a 54,770 square-foot winery and office building with associated 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 23, 2024. At present, the Property does not have any existing structures.

As Table 1 shows, the requested annualized Average Daily Demand (ADD) is 2,631 gal/day. Table 2 details the requested Maximum Daily Demand (MDD) of 7,080 gal/day for the Property.

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

Table 1 – Requested Average Day Demand

<u>Average Daily Water Demand (ADD) in gallons per day:</u>	
Domestic:	165 gpd
Irrigation:	0 ² gpd
Industrial:	2,466 gpd
Total:	2,631 gpd

Table 2 – Requested Maximum Day Demand

<u>Maximum Daily Water Demand (MDD) in gallons per day:</u>	
Domestic:	330 gpd
Irrigation:	0 ² gpd
Industrial:	6,750 gpd
Total:	7,080 gpd

The City's Zero Water Footprint (ZWF) Policy requires new developments 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 (2,631) 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 2,631 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 in 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' (Napasan) recycled water service area.

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 the 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 impacts of providing water to the entire project, and

- 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 the environmental consequences 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 \$7.54 per unit, 1 unit = 748 gal). At present, the estimated average monthly water service fee will be approximately \$795.63³, 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 \$252,968.40⁴ based on MDD of 7,080 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 \$24,286.15⁵ 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 of 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 November 30, 2026. The City reserves the right to further condition and/or deny the extension of water service if the

³ Calculation: (2,631 gpd * \$7.54/748 gal) x 30 days/month = \$ 795.63/month

⁴ Calculation: 7,080 gpd x \$35.73/gpd = \$252,968.40. This fee based on rates effective January 6, 2024, per Resolution 2023-82. Actual fee to be based on rates in effect at time of payment.

⁵ Calculation: 2,631 gpd/65 gpd x \$600 = \$24,286.15

Shea Rouda
Gateway 24 Napa LLC
November 15, 2024
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Project is different from that which presently proposed and 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,

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

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

Shea Rouda
Gateway 24 Napa LLC
November 15, 2024
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**ACCEPTANCE
of
City's Conditional Offer of Water Service for
Gateway 24 Napa, LLC
Gateway Road East, Napa, CA 94558
(APN 057-200-039)**

I, _____, _____
(Print Name) (Print Title)

accept the conditions set forth in this communication.

_____ (Signature) _____ (Date)

Shea Rouda
Gateway 24 Napa LLC
November 15, 2024
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EXHIBIT A



City of American Canyon Will-Serve Application

Owner or Legal Representative's Name: <u>Gateway 24 Napa LLC</u>	Date: <u>January 23, 2024</u> <u>August 23, 2024</u>
Company or Legal Entity Name: <u>Gateway 24 Napa LLC</u>	Applicant's Name: <u>STEVE RODDA</u>
Owner Address: <u>220 Montgomery St, San Francisco, CA 94104, 11069</u>	Applicant Email: <u>SRodda@phelandevco.com</u>
Owner Email: <u>Same as applicant</u>	Applicant Phone #:
Owner Signature: <u>SRD</u>	Project Engineer: Paul Schneider, P.E.
Project Name: <u>Gateway 24 Napa</u>	Project Address:
Project APN: <u>057-200-039-000</u>	<u>Gateway 24 Napa, CA</u>
Project Description: <u>54,770sf w/very</u> and office building, with associated parking, dock, and landscape improvements.	

Permit Number: <u>P24-00134</u>	Time of Operation
Status of Environmental Clearance: <u>Pending</u>	hours/day: <u>14 hrs/day</u>
Permit Status: <u>Pending</u>	days/week: <u>7 days/week</u>
Land Use: <u>Industrial</u>	months/year: <u>12 months/yr</u>
Property Zoning: <u>IP:AC</u>	
Lot Size (acres): <u>4.33ac</u>	Building Size (sqft) : <u>54,770sf</u>

Anticipated Potable Water Demand

Average Day Demand*	Maximum (Peak) Day Demand*
Domestic (gpd): <u>165</u>	Domestic (gpd): <u>330</u>
Irrigation (gpd): <u>0gpd</u>	Irrigation (gpd): <u>0gpd</u>
Industrial (gpd): <u>2,466</u>	Industrial (gpd): <u>6,750</u>
Total: <u>2,631</u>	Total: <u>7,080</u>

*ATTACH CALCULATIONS AND REFERENCES USED

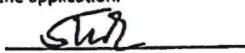
Average Day Demand (ADD) shall be total demand for one year divided by three hundred sixty-five days/year.
Maximum Day Demand (MDD) shall be the largest single day's demand in a normal year.

Comments: See above and attached for demand calculations.
Cost of Water Supply Report/Will-Serve Letters – The cost to process a Will-Serve application shall be fully borne by the applicant and will be based on the actual cost of staff time. If the City elects to use consultant services, the applicant shall pay the consultant's rate plus 15% for administrative overhead. An initial deposit of \$2,000 shall be included at the time of application submission.

Owner & Applicant Acknowledgements and Notification

I declare under penalty of perjury that I am the owner of said property. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application. I agree to pay all fees and recoverable costs for processing the application.

Property Owner Signature(s)

 Date 8/23/24

I declare under penalty of perjury that I have the written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application. I agree to pay all fees and recoverable costs due to the City for processing the application, whether it is approved, denied, or appealed.

Applicant Signature(s)

 Date 8/23/24

Partnerships & Corporations

In the case of a partnership, all general and limited partners shall be identified. In the case of a corporation, all shareholders owning 10% or more of the stock and all officers and directors shall be identified.

Name

Address

Signature

Additional recipients of project correspondence

If you desire project correspondence and notice of meetings to be sent to parties other than the Applicant and Property Owner, please list their names, address and telephone numbers below.

Name

Address

Telephone number

Indemnification Agreement by Applicant

The applicant shall defend, indemnify, and hold harmless the City of American Canyon ("City"), its elected officials, officers, employees, attorneys, representatives, boards, commissions, volunteers and agents from and against all claims, actions, including actions to arbitrate or mediate, damages, losses, judgments, liabilities, expenses and other costs, or proceedings against the City, its elected officials, officers, employees, attorneys, representatives, boards, commissions, volunteers, or agents to attack, modify, set aside, void, or annul an approval, conditional approval, permit, entitlement, environmental document, environmental clearance, mitigation plan, or any other document or any of the proceedings, acts, or determinations taken, done, or made prior to granting of such approval, conditional approval, permit, entitlement, environmental clearance, environmental document, mitigation plan, or other document, by the City, including, without limitation, an action against an advisory agency, appeal board, or legislative body within the applicable limitation period.

The obligation to defend, indemnify and hold the City harmless shall include the payment of all legal costs and attorney's fees (including a third party award of attorney's fees), arising out of, resulting from, or in connection with the City's act or acts leading up to and including approval of any environmental document or mitigation plan granting approvals to the applicant, incurred on behalf of, or by, the City, its elected officials, officers, employees, representatives, attorneys, boards, commissions, volunteers and agents in connection with the defense of any claim, action, or proceeding challenging the entire or a portion of an approval, conditional approval, permit, entitlement or any other document of any related claim.

The obligation to defend, indemnify, and hold the City harmless shall include, but not be limited to, the cost of preparation of any administrative record by the City, staff time, copying costs, court costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of a permit, approval, conditional approval, entitlement, environmental document, mitigation plan, environmental clearance, Water Supply Report, Will-Serve Letter or any other document or approval related to the applicant's project.

The City will promptly notify the applicant of any claim, action, or proceeding and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or the City fails to cooperate fully in the defense, the applicant shall not be responsible to defend, indemnify, or hold harmless the City.

In the event a legal challenge to a City permit, approval, conditional approval, environmental document, environmental clearance, mitigation plan, entitlement or any other document, proceeding, determination, or action related to the applicant's project is successful, and an award of attorneys' fees is granted against the City, the applicant shall be responsible to timely pay the full amount of such an award.

SHEA ROVAT

Applicant's printed name



Applicant's signature

8/23/24

Date



MEMORANDUM

To: Shea Rhoda
From: Paul Schneider, P.E.
Date: 9/6/2024
Re: Napa Gateway



I. Introduction

Our office has been retained to document the design and operational parameters for the proposed water system for the Gateway Building. This memo is to accompany the will serve application as justification for the water demands and annual usage.

II. Average Daily Demand (ADD)

The anticipated water demand is based on the following assumptions:

Domestic water use is based on the County of Napa domestic use table of 15 gpd per employee. The average number of employees onsite is 11. This yields an average domestic daily use of 165 gpd.

The building is intended to be utilized as a winery production facility that will utilize approximately 3.6 gallons of water to produce 1 gallon of wine. The facility is designed to produce 250,000 gallons of wine, therefore the annual water demand is 900,000 gallons. Approximately 45% or 405,000 gallons of the total demand occurs over a 60 day period and the balance throughout the remainder of the year. This places the ADD for the full year at 2,466 gpd (900,000 gallons/365 days).

The total water usage for the property is 2,631 gallons per day (gpd) as shown in Table A below:

Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
165	2,466	0	2,631

Stockton 3428 Brookside Rd., Stockton, CA 95219 t: 209.943.2021	San Jose 111 N. Market St., #300 San Jose, CA 95113 t: 408.754.2021	Sacramento 1164 National Dr., #20 Sacramento, CA 95825 t: 916.520.2777	Modesto 100 Sycamore Ave, #100 Modesto, CA 95354 t: 209.762.3580
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MEMORANDUM

Gateway
Napa, CA

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**III. Maximum Day Demand (MDD)**

The MDD for domestic water according to American Canyon Municipal Code is ADD x 2.0, therefore the domestic MDD is 330 gpd. As stated in Section II the MDD for the industrial water is during the 60 day vintage production period where 405,000 gallons are required. This yields a MDD of 6,750 gpd (405,000 gallons/60 days) of industrial demand, the remaining days of the year will be lower at a MDD of 1,623 gpd (495,000 gallons/305 days). The anticipated total water MDD for the property is 7,080 gallons per day (gpd) as shown in Table B below:

Table B - Maximum Daily Demand (MDD)			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
330	6,750	0	7,080

IV. Project Demand consistency with UWMP and ACMC 13.10

The City's 2010 Urban Water Management Plan (UWMP) assumes properties such as this one will have up to a maximum average daily demand of 675 gpd per acre. The American Canyon Municipal Code section 13.10 lowers this to 650 gpd per acre. As shown in Table C below the properties average daily demand (ADD) is less than the ACMC 13.10 limit of 650 gpd.

Table C - Project Demand consistency with UWMP and ACMC 13.10			
Parcel Size (ac)	UWMP (gpd/ac)	ACMC 13.10 (gpd/ac)	Property ADD (gpd/ac)
4.33	675	650	2,814

The allocated 2,814 gpd ADD per Table C is greater than the calculated water usage of 2,631 gpd ADD per Table A. The project therefore complies with the Zero-Water Footprint requirements and no demand offsets are required.

Stockton 3428 Brookside Rd. Stockton, CA 95219 t: 209.943.2021	San Jose 111 N. Market St., #300 San Jose, CA 95113 t: 408.754.2021	Sacramento 1164 National Dr., #20 Sacramento, CA 95825 t: 916.520.2777	Modesto 100 Sycamore Ave, #100 Modesto, CA 95354 t: 209.762.3580
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MEMORANDUMGateway
Napa, CA

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**Exhibit A: Industrial Water Demand Estimate**

Converter	Tons/Cases/Gallons of Wine (Input blue number)			
	ENTER	Cases	Tons	Gallons of Finished Wine
Tons	1	63		150
Cases	22575	-	358.3	53729
Gallon finished Wine	250,000	105042	1667	-
Total WW/year	1650000	383403	6086	912500

105042	Cases/Year
63	Cases/Ton
2.39	Gal of Wine/Case
4	Gal of PW:Wine Ratio
45	% of Annual PW Used During Vintage
60	Days of Vintage
305	Days/Year
1.1	SF for Peak/Max Daily Flow

250000	Total Finished Wine/Year, in Gallons
1000000	Total PW/Year, in Gallons
450000	Total Volume of Wastewater Generated During Vintage, in Gallons
7500	Average Daily Wastewater Production During Vintage, in Gallons
1803	Average Daily Wastewater Production During Rest of the Year, in Gallons
8250	Peak Daily Flow During Vintage, in Gallons
16500	Recommended EQ Capacity (2-Day Minimum), in Gallons

(System Size Based On This Number)

Stockton 3428 Brookside Rd. Stockton, CA 95219 t: 209.943.2021	San Jose 111 N. Market St., #300 San Jose, CA 95113 t: 408.754.2021	Sacramento 1164 National Dr., #20 Sacramento, CA 95825 t: 916.520.2777	Modesto 100 Sycamore Ave, #100 Modesto, CA 95354 t: 209.762.3580
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PUBLIC WORKS DEPARTMENT

4381 BROADWAY, SUITE 201
AMERICAN CANYON, CA 94503

WATER SUPPLY REPORT

FOR

Gateway 24 Napa, LLC

**Gateway Road East, Napa, CA 94558
Napa County Assessor's Parcel Number
APN 057-200-039**

Prepared by:

**Edison Bisnar
Development Services Engineer**

Approved by:

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

Date

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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 Gateway Road East (Assessor's Parcel Number: 57-200-039) on approximately 4.33 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 54,770 square foot winery and office building with associated site improvements. Entitlements required include a Use Permit from Napa County (P24-00134) and Will-Serve Letters from the City (for potable domestic water service and fire service) and Napa Sanitation District (for sewer and recycled water)².

The project incorporates the following water conservation best management practices:

- Dual plumb the building to receive recycled water for toilet flushing
- Motion-sensor faucets
- Use of 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 23, 2024, was submitted by Shea Rouda, on behalf of the Owner, Gateway 24 Napa, LLC. The submitted application details the anticipated water demands for the Site. City Staff has reviewed the provided application and finds the estimate to be consistent with industry standards for similar uses.

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 (Napasian) recycled water service area.

1.5 – Average Day Demand (ADD)

As shown on Table 1, the anticipated “Average-Day” Demand (ADD) for the Property is 2,631 gpd.

Table 1 – Property ADD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
165	2,466	0	2,631

1.6 – Maximum Day Demand (MDD)

As shown in Table 2, the anticipated Maximum Demand (MDD) for the Property is 7,080 gpd.

Table 2 – Property MDD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
330	6,750	0	7,080

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 MDD 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 MDD of 650 gpd per acre. As shown in Table 3 below, the Property's estimated MDD (1,635 gpd per acre) is greater than the maximum allowed by the ACMC 13.10 (650 gpd per acre):

Table 3 – Maximum MDD			
Parcel Size (acres)	UWMP (gpd/acre)	ACMC 13.10 (gpd/acre)	Property MDD (gpd/acre)
4.33	675	650	1,635

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 (2,631 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 \$24,286.15³ 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 2,631 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

³ Calculation: 2,631 gpd/65 gpd x \$600 = \$24,286.15

implementation in 2007. New or increased demands to the City's system after 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 project's contribution shall be equal to the property's 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.

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 \$252,968.40. This one-time fee amount is based on the rate of \$35.73 per gallon x MDD (7,080 gpd).

3.2 – Service Charge

⁴ ACMC §13.14.070

⁵ ACMC §13.06.090

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 \$7.54/unit (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 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 UWMP 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

⁶ ACMC §13.06.040

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

**Gateway 24 Napa LLC
Gateway Road East, Napa, CA 94558
(APN 057-200-039)**

I, _____, acknowledge and accept
the water supply analysis as set forth in this Water Supply Report dated
_____.

(Signature)

(Date)



April 4, 2025

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

**SUBJECT: APN 057-200-039 – Gateway Road East Winery
NapaSan Will Serve #108**

To Whom It May Concern:

The Napa Sanitation District (NapaSan) has received a request to provide a "Will Serve" letter for one proposed industrial building, (APN 057-200-039) to be located on the north-eastern side of the Gateway Road East court. The building will be 54,770 SF. The building will be used for wine production and warehouse space. The subject parcel is currently within NapaSan's Sphere of Influence and within NapaSan's boundaries. NapaSan will provide sanitary sewer and recycled water service to this parcel. The applicant has informed NapaSan that the proposed building will dispose of its industrial process wastewater using a hold-and-haul method, which NapaSan does not object to. Alternatively, NapaSan will provide industrial sewer service to the parcel, if the applicant meets NapaSan's standards for industrial users.

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

1. Install the sanitary sewer and recycled water 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 from NapaSan for the hold-and-haul operation.

NapaSan has been informed that the industrial building is estimated to generate approximately 467 gallons of domestic wastewater per day, which is equivalent to the flow of approximately 4 single-family dwellings.

NapaSan has been informed that the industrial building is estimated to generate approximately 8,250 gallons of industrial process wastewater per day, which is equivalent to the flow of approximately 66 single-family dwellings.

The subject parcel lies within NapaSan's recycled water service area. The subject parcel shall connect to the Gateway Business Park private recycled water system. The owner shall submit plans to NapaSan and the Gateway Business Park representative for review and approval. The development will be required to install the necessary facilities to utilize recycled water for landscape irrigation.

NapaSan
1515 Soscol Ferry Road
Napa, CA 94558

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

www.napasanz.org

The project has requested service for approximately 1.3 acres of landscaping, with a recycled water demand of approximately 0.8 acre-feet per year. NapaSan will provide recycled water service to this parcel.

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,



Gavin Glascott, P.E.
Associate Civil Engineer



June 25, 2024

Planning, Building, & Environmental Services
County of Napa
1159 Third Street, Suite 210
Napa, CA 94559

RE: 24-00134 Gateway 24, REFRL-001526, Shea Rouda, APN 057-200-039 (Sawyer)

NapaSan has reviewed the above-named application, which has been 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 City Building Permit and shall adhere to the rules and regulations as they apply to the application.

The following conditions are based on the information currently available and are subject to change upon receipt of additional information:

- 1) Utility information was not provided for this application. NapaSan reserves the right to modify or add conditions on any future applications.
- 2) A plan showing the required sanitary sewer improvements, conforming to NapaSan standards shall be submitted to NapaSan for approval prior to issuance of permits.
- 3) 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.
- 4) If the owner desires to discharge process wastewater by a hold and haul method, with zero discharge to NapaSan's sewer facilities, documentation of the certified waste hauler shall be provided to NapaSan. The applicant shall enter into a zero-waste discharge permit with NapaSan.
- 5) The applicant shall complete and submit a NapaSan Industrial User Discharge Permit Application Form describing the intended industrial discharge for review by NapaSan.

NapaSan
1515 Soscol Ferry Road
Napa, CA 94558

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

www.napasanz.org

- 6) The subject parcel shall use recycled water for landscape irrigation and shall connect to the Gateway Business Park private recycled water system. The owner shall submit plans to NapaSan and the Gateway Business Park representative for review and approval.
- 7) There is an existing sewer lateral stubbed out to the subject parcel. The owner shall perform a video inspection of the sewer lateral in the presence of a NapaSan inspector or submit the footage to NapaSan for review. If the lateral passes video inspection as determined by NapaSan, then the lateral may be reused. If it fails inspection or if the owner decides not to reuse it, the owner will be required to hire a Class A licensed contractor to install a new lateral and abandon the existing lateral per NapaSan standards by capping at the main. The lateral installation and abandonment shall be done at the owner's expense.
- 8) Floor drains are not allowed in the building except in restroom and food service areas. Floor drains in the winery production area shall be connected to the process waste stream.
- 9) All sewer discharges from the proposed development shall meet the Local Limits for constituents of concern established by NapaSan.
- 10) Discharge lines from elevator sump pits shall not be connected to the sanitary sewer system.
- 11) Should there be a drain in the trash enclosure, it shall be connected to a grease interceptor and the trash enclosure shall meet NapaSan standards. Contact NapaSan for additional information.
- 12) 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. Outdoor dining and event space are included in the square footage)
 - d. Capacity Charges for process waste (Calculated per per Section 5.02.030.B of NapaSan Code. Contact NapaSan for additional information)
- 13) 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.
- 14) 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 \$11,519 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 gglasco@napasan.com for additional information.

Sincerely,



Gavin Glascott, P.E.
Associate Civil Engineer



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2024-AWP-15066-OE

Issued Date: 03/04/2025

Shea Rouda
Phelan Development
220 Montgomery Street
1069
San Francisco, CA 94104-0000

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Gateway Warehouse
Location: Napa, CA
Latitude: 38-13-35.00N NAD 83
Longitude: 122-15-33.00W
Heights: 60 feet site elevation (SE)
45 feet above ground level (AGL)
105 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M Change 1.

This determination expires on 09/04/2026 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (424) 405-7641, or tameria.burch@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-AWP-15066-OE.

Signature Control No: 639860479-649295390

(DNE)

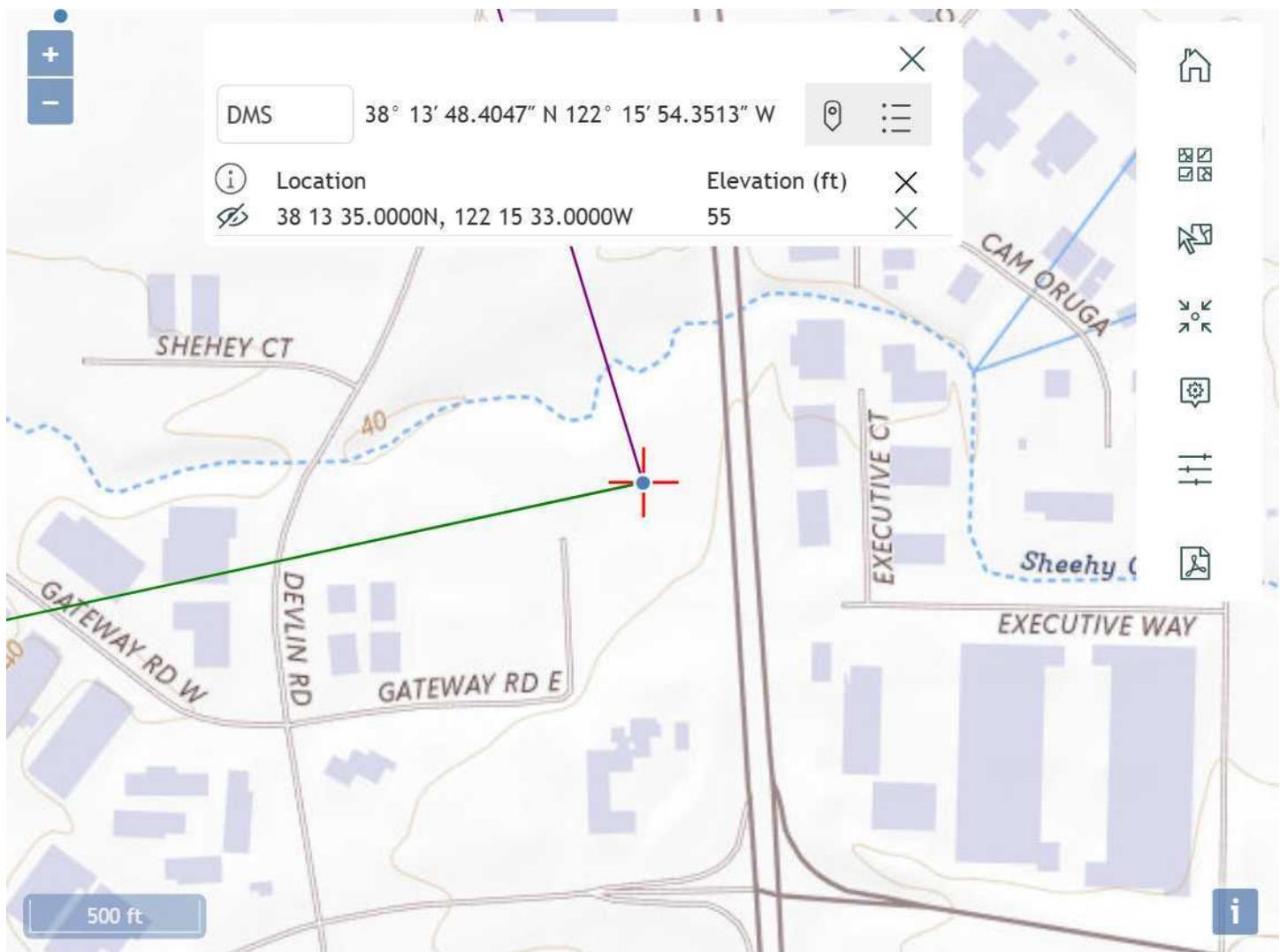
Tameria Burch
Technician

Attachment(s)
Case Description
Map(s)

Case Description for ASN 2024-AWP-15066-OE

The structure will use reinforced concrete for footings and slabs, pre-cast concrete panels for walls, steel for framing and roofing, TPO for roofing, insulated metal panels for thermal protection, masonry for enclosures, and various metal fabrications.

Verified Map for ASN 2024-AWP-15066-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2024-AWP-15067-OE

Issued Date: 02/10/2025

Shea Rouda
Phelan Development
220 Montgomery Street
1069
San Francisco, CA 94104-0000

****DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Mobile Crane Crawler Crane
Location:	Napa, CA
Latitude:	38-13-35.00N NAD 83
Longitude:	122-15-33.00W
Heights:	60 feet site elevation (SE) 140 feet above ground level (AGL) 200 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does exceed obstruction standards but would not be a hazard to air navigation provided the condition(s), if any, in this letter is (are) met:

****SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION****

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.9, a separate aeronautical study and FAA determination is required.

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Air Missions (NOTAM).

If we can be of further assistance, please contact Justin Hetland, at (847) 294-8084, or justin.hetland@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-AWP-15067-OE.

Signature Control No: 639860480-646908270

(TMP)

Julie A. Morgan

Manager, Obstruction Evaluation Group

Additional Condition(s) or Information for ASN 2024-AWP-15067-OE

Proposal: To construct and/or operate a(n) Mobile Crane to a height of 140 feet above ground level, 200 feet above mean sea level.

Location: The structure will be located 1.29 nautical miles northeast of APC Airport reference point.

Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:

Section 77.17 (a) (5) a height that affects an Airport Surface by penetrating:

Section 77.19 (a) Horizontal Surface by 15 feet as applied to APC.

The VFR traffic pattern airspace is impacted, please contact the airport manager for local NOTAMs.

Preliminary FAA study indicates that the above mentioned structure would:

have no effect on any existing or proposed arrival, departure, or en route instrument flight rules (IFR) operations or procedures.

have no physical or electromagnetic effect on the operation of air navigation and communications facilities.

have no effect on any airspace and routes used by the military.

Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M Change 1, Obstruction Marking and Lighting, flags/red lights-Chapters 3(Marked),4,5(Red),14(Temporary),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

As a condition to this determination, the temporary structure must be lowered to 125 feet above ground level (185 feet above mean sea level) , when not in use and during the hours between sunset and sunrise.

If the crane cannot be lowered to this height, then the following condition must also be met for nighttime conspicuity:

The structure must be lighted in accordance with FAA Advisory Circular 70/7460-1M Change 1 , Obstruction Marking and Lighting, red lights – Chapters 4, 5(Red),&12.

It is required that the manager of NAPA COUNTY, (707) 253-4300 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site.

It is required that the manager of Napa ATCT, 707-255-1534 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site. Additionally, please provide contact information for the onsite operator in the event that Air Traffic Control requires the temporary structure to be lowered immediately.

This determination expires on 08/10/2026 unless extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

TOPO Map for ASN 2024-AWP-15067-OE



Sectional Map for ASN 2024-AWP-15067-OE





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Main: (707) 253-4417

Brian D. Bordona
Director

MEMORANDUM

To:	Planning Commission	From:	Wendy Atkins, Planner II
Date:	July 31, 2025	Re:	Gateway 24 Napa, New Winery Use Permit P24-00134-UP

The purpose of this memorandum is to provide revised Recommended Conditions of Approval, which include Environmental Health conditions of approval.

PLANNING COMMISSION HEARING – AUGUST 6, 2025
DRAFT RECOMMENDED CONDITIONS OF APPROVAL

GATEWAY 24 NEW WINERY
USE PERMIT APPLICATION NUMBER P24-0134
TERMINUS OF GATEWAY ROAD EAST BORDERED BY HWY 29 TO THE EAST AND
SHEEHY CREEK TO THE NORTH
APN 057-200-039

This permit encompasses and shall be limited to the project commonly known as Gateway 24 New Winery Use Permit, located at the terminus of Gateway Road East bordered by Hwy 29 to the east, and Sheehy Creek to the north. 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 guests of the winery 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

The permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit for a 250,000 gallon per year winery including a to allow the following:
 - a. construction of a 54,790 sq. ft one-story concrete tilt-up winery building for production, storage, and office areas;
 - b. installation of a parking area with fifty-five (55) parking spaces, including four (4) accessible spaces and three (3) electric vehicle charging stations;
 - c. construction of a new driveway on Gateway Road East;
 - f. hours of operation (6 a.m. to 8 p.m. Monday through Sunday);
 - g. six full-time employees during non-harvest and 15 full-time employees during harvest;
 - h. connection to municipal water and sewer services provided by the City of American Canyon and the Napa Sanitation District, respectively.
- 1.2 Approval of a variation to the development regulations of Napa Valley Business Park Specific Plan (NVPBSP) to increase the building height from 35-feet to a maximum of 45-feet.

The winery building 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 County Code (the 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 guests of the winery to ensure compliance is achieved. Any expansion or change in winery 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 applicant'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 winery:

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 October 21, 2024.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated April 17, 2025.
- c. Department of Public Works operational conditions as stated in their Memorandum dated October 29, 2024.

- d. Fire Department operational conditions as stated in their Inter-Office Memo dated July 26, 2024.
- e. City of American Canyon operational conditions as stated in their “will serve” letter dated November 15, 2024.
- f. Napa Sanitation District “will serve” letter, dated April 4, 2025, and conditions of approval, dated June 25, 2024.
- g. Federal Aviation Administration operational conditions as stated in their letters dated February 10, 2025, and March 4, 2025.

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 **[RESERVED]**

4.13 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Winery Operations
 - 1. There shall be no tours and tastings or marketing events unless a modification to this use permit is approved by the County.
 - 2. Retail sales of wine shall be permitted as set forth in the County Code.
 - 3. Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.
 - 4. No winery facilities, or portions thereof, including, without limitation, any barrel storage areas, warehousing, or office space, shall not be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

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.

4.14 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 October 21, 2024.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated April 17, 2025.
- c. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandum dated October 29, 2024.
- d. Fire Department plan review/construction/preoccupancy conditions as stated in their Inter-Office Memo dated July 26, 2024.
- e. City of American Canyon operational conditions as stated in their “will serve” letter dated November 15, 2024.
- f. Napa Sanitation District “will serve” letter, dated April 4, 2025, and conditions of approval, dated June 25, 2024.
- g. Federal Aviation Administration operational conditions as stated in their letters dated February 10, 2025, and March 4, 2025.

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.

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 California Building Code (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 on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability 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, shall be located as low to the ground as possible, shall be 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. Lighting utilized during harvest activities is exempt from this requirement.

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 Use Permit. The plan shall be prepared pursuant to the County's 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. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. 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 the winery 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. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

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. Mitigation Measure BIO-2 – No more than two weeks prior to the commencement of ground-disturbing activities, a Qualified Biologist shall perform surveys for western pond turtles within aquatic and upland habitat at the Project, unless otherwise approved in writing by CDFW. Surveys will encompass individual turtles and nest sites. An additional survey shall occur no more than 48 hours prior to Project activities. If a pond turtle or nest site is detected at any time, CDFW shall be notified immediately. Survey results shall be submitted to CDFW and to Planning, Building & Environmental Services prior to construction activities. All western pond turtles observed on-site shall be avoided and allowed to leave the Project activity area of their own volition or may be relocated with prior written approval from CDFW. Any turtle nest sites shall be avoided with an appropriate buffer identified by a Qualified Biologist and accepted in writing by CDFW. [insert measure]

Method of Monitoring: The permitted shall have a survey for western pond turtles within aquatic and upland habitat at the Project, unless otherwise approved in writing by CDFW completed no more than two weeks prior to the commencement of ground-disturbing activities. An additional survey shall occur no more than 48 hours prior to Project activities. The survey results shall be provided to the Napa County Planning, Building & Environmental Services.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

- b. Mitigation Measure CUL-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 [WEA]) 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 Yoche

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 Yoche Dehe Wintun Nation and deliver copies to the Napa County Planning, Building, & Environmental Services Department for the administrative file.

Method of Monitoring: The project sponsor/permittee shall coordinate with the Yoche 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 & Environmental Services Department. 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 condition of approval 7.2 Archeological Finding.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

6.16 PARCEL CHANGE REQUIREMENTS [RESERVED]

6.17 FINAL MAPS [RESERVED]

6.18 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Temporary construction fencing shall be placed along the Sheehy Creek conservation easement prior to any earth disturbing activities. The location of the fencing shall be identified on the construction site plan and Civil drawings submitted for building permit review. The fencing may be temporarily removed during construction of the stormdrain outfall into Sheehy Creek.
- b. In conjunction with building permit application submittal, the permittee shall not include natural gas appliances or natural gas plumbing within the new building.

- c. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- d. 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 Use Permit application shall be addressed through project construction and/or implemented through winery operation.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

a. GRADING AND 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 traced 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 by 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/perfact_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 California 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 normally 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 shall only occur daily between the hours of 8 am to 5 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:

Mitigation Measure BIO-1 - Swainson Hawk: If, prior to Project construction activities, nesting SWHA are detected within 0.25 miles of the Project site, impacts to SWHA 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 foraging habitat impacts from CDFW. Prior to Project construction, the Project shall provide SWHA 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 SWHA foraging habitat credits at a CDFW-approved mitigation bank, unless otherwise approved in writing by CDFW.

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 Monitoring: The permittee shall have a Swainson's hawk nesting survey completed prior to any construction activities scheduled to occur on the site from March 1 through September 30. The survey shall also be conducted in accordance with 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>). The survey results shall be provided to CDFW and the Napa County Planning, Building & Environmental Services. In the event 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.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

- b. Mitigation Measure BIO-3 – If Project construction activities, including but not limited to vegetation clearing, occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately February 15-August 31) the Project shall retain a qualified biologist to perform preconstruction surveys for nesting birds, including but not limited to nesting raptors, on the Project site and in the immediate vicinity including a minimum 500 foot radius around the Project site. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird survey shall be conducted. In the event that nesting birds are found on the Project site or within 500 feet of the Project site, the Project shall: Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or evidence of their presence is found; Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances for bird nests shall be site specific and an appropriate distance, as determined by a qualified biologist, unless otherwise approved in writing by CDFW. The buffer distances shall be specified to protect the bird's normal behavior

thereby preventing nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established;

Within five working days of the nesting bird surveys prepare a survey report and submit it to CDFW; and Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.

Method of Monitoring: The permittee shall have a preconstruction nesting bird survey completed prior to any construction activities scheduled to occur on the site from February 15 through August 31. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird survey shall be conducted. In the event that nesting birds are found on the Project site or within 500 feet of the Project site, the Project shall: Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or evidence of their presence is found. Establish a clearly marked no-disturbance buffer around the nest site. The survey results shall be provided to CDFW and the Napa County Planning, Building & Environmental Services.

Following the "clear and Grub" of the project site, and prior to the commencement of project-related trenching or grading, an Archaeologist who meets the Secretary or the Interior's Professional Qualifications Standards for archaeology conduct an updated survey. This shall be followed by Worker Environmental Awareness Program WEAP training for archaeological resources to be given to all construction personnel directly involved with project-related ground disturbance. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may found within the project site, and procedures to be followed in the event such resources are encountered.

Responsible Agency(ies): Planning Division, California Department of Fish and Wildlife

- c. **Mitigation Measure BIO-4:** 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.

If take of burrowing owl (BUOW) cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities commence. Take is likely to occur and the Project shall obtain an ITP if: 1) BUOW surveys of the Project site detect BUOW occupancy of burrows or burrow surrogates, or 2) there is sign of BUOW occupancy on the Project site within the past three years and habitat has not had any substantial change that would make it no longer suitable within the past three years. Occupancy means a site that is assumed occupied if at least one BUOW has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable BUOW habitat may also be indicated by BUOW sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site. If BUOW, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project site during BUOW surveys, but not on the Project site, the Project shall consult with CDFW to determine if avoidance is feasible, or an ITP is warranted and shall obtain an ITP if deemed necessary by CDFW.

Method of 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): Planning Division, California Department of Fish and Wildlife

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

- a. Prior to initial ground disturbance, the applicant shall enter into a Standard Monitoring Agreement (Agreement) with the Yocha Dehe Wintun Nation. The Agreement will ensure that a Tribal Cultural Advisor designated by the Tribe is onsite to oversee development and ground disturbance.
- b. Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), potholing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities 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 the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. 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 winery 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 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. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code. **[Pre-WDO signs to be addressed specifically for each project.]**

9.3 GATES/ENTRY STRUCTURES

Any gate installed at the winery 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

Landscape shall be installed in accordance with the approved landscaping plan.

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

All spoils 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 CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY
Temporary construction fencing placed along the Sheehy Creek conservation easement 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

Brian D Bordona
Director

MEMORANDUM

To: Trevor Hawkes, Planning	From: Raulton Haye, Engineering
Date: October 21, 2024	Re: P24-00134 Napa Gateway 24 Winery APN: 057-200-039

The Engineering Division has reviewed the use permit application P24-00134 for the winery located on assessor's parcel number 057-200-039. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

1. The Existing Parcel is in the Airport Industrial Area

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, 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 building and/or grading permit documents at the time of permit application. A plan check fee will apply.

4. 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.
5. **Prior to issuance of a building 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 for Applicant and Review Staff dated December 2014.
6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the “Operation and Maintenance Agreement”, approved by the Engineering Division in PBES.
8. All improvements shall conform to the latest Napa County Airport Industrial Area Specific Plan.
9. Applicant shall pay the applicable Napa County Airport Industrial Area Traffic Mitigation Fees prior to receiving any building permits for this project. The applicant should contact the Public Works office to obtain information regarding the determination of this fee.
10. The Applicant must comply with all associated requirements and exhibits relating to water conditions to be imposed on all parcels as described in Napa County Agreement No. 7070, between the County of Napa and the City of American Canyon.

PREREQUISITES DURING PROJECT CONSTRUCTION

11. Required on-site pre-construction meeting with the Napa County PBES Engineering Division **prior to start of construction**.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

12. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. **** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

13. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
14. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Raulton Haye from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)253-4621 or by email at Rauton.Haye@countyofnapa.org



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Brian Bordona
Director

MEMORANDUM

To: Wendy Atkins, Project Planner	From: Maureen S. Bown, Senior Environmental Health Specialist
Date: August 4, 2025	Re: Gateway 24- New Winery Use Permit: P24-00134 APN 057-200-039-000

Environmental Health staff has reviewed an application requesting approval to establish a new winery in the Napa Valley Business Park Gateway Building, as described in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. All sanitary wastewater lines of the proposed development must be connected to the Napa Sanitation District and comply with the condition of approval outlined in Napa Sanitation District's letter, dated June 25, 2024.
2. The proposed development must be connected to the City of American Canyon water system.
3. A plan for the hold and haul system must be submitted for review and approval prior to issuance of a building permit. The hold and haul plan must be designed in accordance with Napa County Code Title 13 and shall comply with the conditions of approval outlined in Napa Sanitation District's letter dated June 25, 2024.
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.

During construction and/or prior to final occupancy being granted:

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.
6. Obtain an annual operating permit for the hold and haul system.

Upon final occupancy and thereafter:

7. 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.
8. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.

9. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.



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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: Anna Vickroy, P.E., T.E., Traffic Engineering Staff Consultant
Date: October 29, 2024	Re: Gateway 24 Napa, P24-00134 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 Application #P24-00134 for the Gateway 24 Napa Project, located at Gateway Road East (APN 057-200-039-000) in Napa County, CA.

This Use Permit Application proposed to construct a 54,770 square foot structure for a 250,000 gallons-per-year winery. The facility is proposed to include wine production and warehouse/storage space, office space, laboratory space and an employee breakroom.

Existing Conditions

- The parcel is located at the north terminus of the cul-de-sac of Gateway Road East.
- The site is located within the boundaries of the Napa Valley Business Park Specific Plan.
- The site is undeveloped and exists as natural grasslands.

The Department of Public Works has established the following conditions of approval related to the Use Permit Application Number P24-00134. All listed conditions of approval shall be fully completed accordingly prior to the issuance of Building and Occupancy permits:

1. Project Driveway

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

2. Street Frontage Improvements

The project shall construct improvements along Gateway Road East fronting the property, such as but not limited to curbs and gutters, ADA ramps, utility call outs, traffic control devices such as signing and striping, consistent with the Napa Valley Business Park Specific Plan (NVBPSP) design standards for minor streets. Improvement plans shall be prepared by a Registered Civil Engineer, in compliance with the NVBPSP and the Napa County Road and Street Standards, for approval by the Department of Public Works, Road Commissioner. If needed, additional right-of-way shall be dedicated to the public as necessary to encompass the improvements. Improvement plans and right-of-way dedication, if needed, shall be completed prior to issuance of any permits.

3. 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 that are 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.

4. **Napa Valley Vine Trail Right-of-Way and Entitlements** The project 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.

5. Encroachment Permit Requirement

All new connections to a public right-of-way shall require an encroachment permit. An encroachment permit, with the associated fee deposit, will be required during the building permit phase. A complete plan set must be submitted with all **street frontage improvements required by the use permit, as well as utility work in the road and right-of-way**. Proposed landscaping must also be shown (trees in the right-of-way will not be approved). Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process.

6. Traffic Mitigation Fee Requirement

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 are used to fund the construction of new roads and intersection improvements in the area. **The applicant agreed to pay TMF based on the size of a shell/warehouse to get a Building Permit before construction. However, the applicant shall pay the balance of TMF based on trip generation by the proposed winery before issuance of Occupancy Permit.** Information on Encroachment Permits and TMF is available at our website:

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

7. Transportation Demand Management (TDM)

The applicant/permittee shall submit a Transportation Demand Management (TDM) Plan that will include measures to reduce vehicle trips, 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.

8. Bicycle Facilities

The project shall install secure long-term bicycle parking for use by employees. Bicycle parking should be provided per the County of Napa Municipal Code.

Please contact Ahsan Kazmi at Ahsan.Kazmi@countyofnapa.org or call (707) 259-8370 if you have questions or need additional information.



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Napa County Fire Department
Fire Marshal's Office

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Main: (707) 299-1464

Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

TO:	Planning Department	DATE:	7/26/2024
FROM:	Jason Downs, Fire Marshal	PERMIT #	P24-00134
SUBJECT:	Gateway 24 Napa	APN:	057-200-039-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the above-proposed project. 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 2022 California Fire Code Section 105 are proposed, separate permits will be required before Building Permit issuance for:
 1. Automatic fire-extinguishing systems
 2. Fire alarm and detection systems and related equipment
 3. Fire pumps and related equipment
 4. High-piled combustible storage
 5. Private fire hydrants
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.



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Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

6. Provide fire department access roads to 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.
8. Roadway radius shall not have an inside radius of less 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 pressurized 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



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Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

14. An automatic fire sprinkler system shall be installed by provisions outlined 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.
18. Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.

Please note that the Conditions of Approval are determined solely by the Fire Marshal's review. Other County Departments or Divisions reviewing this application submission may have additional comments or information requests. For more detailed information on the Napa County Fire Marshal's Office Development Guidelines, please visit www.countyofnapa.org/firemarshal. If you have any further questions, please feel free to contact me at (707) 299-1467 or email me at jason.downs@countyofnapa.org.



November 15, 2024

Shea Rouda
Gateway 24 Napa, LLC
220 Montgomery St. #1069
San Francisco, CA 94014

SUBJECT: Request for Water Service "Will-Serve" Letter
Gateway 24 Napa, LLC Winery and Office Building
Gateway Road East, Napa, CA 94558
(APN 057-200-039)

Dear Mr. Rouda,

The City of American Canyon has received your request, as the Property Representative, for a Will-Serve Letter for water service to the property located on Gateway Road East (Assessor's Parcel Number 057-200-039, referred to herein as the "Property"). The 4.33-acre Property is subject to approval of a pending Use Permit, P24-00134 from Napa County's Planning, Building & Environmental Services Department, for the development of the property consisting of a 54,770 square-foot winery and office building with associated 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 23, 2024. At present, the Property does not have any existing structures.

As Table 1 shows, the requested annualized Average Daily Demand (ADD) is 2,631 gal/day. Table 2 details the requested Maximum Daily Demand (MDD) of 7,080 gal/day for the Property.

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

Table 1 – Requested Average Day Demand

<u>Average Daily Water Demand (ADD) in gallons per day:</u>	
Domestic:	165 gpd
Irrigation:	0 ² gpd
Industrial:	2,466 gpd
Total:	2,631 gpd

Table 2 – Requested Maximum Day Demand

<u>Maximum Daily Water Demand (MDD) in gallons per day:</u>	
Domestic:	330 gpd
Irrigation:	0 ² gpd
Industrial:	6,750 gpd
Total:	7,080 gpd

The City's Zero Water Footprint (ZWF) Policy requires new developments 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 (2,631) 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 2,631 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 in 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' (Napasan) recycled water service area.

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 the 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 impacts of providing water to the entire project, and

- 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 the environmental consequences 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 \$7.54 per unit, 1 unit = 748 gal). At present, the estimated average monthly water service fee will be approximately \$795.63³, 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 \$252,968.40⁴ based on MDD of 7,080 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 \$24,286.15⁵ 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 of 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 November 30, 2026. The City reserves the right to further condition and/or deny the extension of water service if the

³ Calculation: (2,631 gpd * \$7.54/748 gal) x 30 days/month = \$ 795.63/month

⁴ Calculation: 7,080 gpd x \$35.73/gpd = \$252,968.40. This fee based on rates effective January 6, 2024, per Resolution 2023-82. Actual fee to be based on rates in effect at time of payment.

⁵ Calculation: 2,631 gpd/65 gpd x \$600 = \$24,286.15

Shea Rouda
Gateway 24 Napa LLC
November 15, 2024
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Project is different from that which presently proposed and 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,

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

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

Shea Rouda
Gateway 24 Napa LLC
November 15, 2024
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**ACCEPTANCE
of
City's Conditional Offer of Water Service for
Gateway 24 Napa, LLC
Gateway Road East, Napa, CA 94558
(APN 057-200-039)**

I, _____, _____
(Print Name) (Print Title)

accept the conditions set forth in this communication.

_____ (Signature) _____ (Date)

Shea Rouda
Gateway 24 Napa LLC
November 15, 2024
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EXHIBIT A



City of American Canyon Will-Serve Application

Owner or Legal Representative's Name: <u>Gateway 24 Napa LLC</u>	Date: <u>January 23, 2024</u> <u>August 23, 2024</u>
Company or Legal Entity Name: <u>Gateway 24 Napa LLC</u>	Applicant's Name: <u>STEVE RODDA</u>
Owner Address: <u>220 Montgomery St, San Francisco, CA 94104, 11069</u>	Applicant Email: <u>SRodda@phelandevco.com</u>
Owner Email: <u>Same as applicant</u>	Applicant Phone #:
Owner Signature: <u>SRD</u>	Project Engineer: Paul Schneider, P.E.
Project Name: <u>Gateway 24 Napa</u>	Project Address:
Project APN: <u>057-200-039-000</u>	<u>Gateway 24 Napa, CA</u>
Project Description: <u>54,770sf w/very</u> and office building, with associated parking, dock, and landscape improvements.	

Permit Number: <u>P24-00134</u>	Time of Operation
Status of Environmental Clearance: <u>Pending</u>	hours/day: <u>14 hrs/day</u>
Permit Status: <u>Pending</u>	days/week: <u>7 days/week</u>
Land Use: <u>Industrial</u>	months/year: <u>12 months/yr</u>
Property Zoning: <u>IP:AC</u>	
Lot Size (acres): <u>4.33ac</u>	Building Size (sqft) : <u>54,770sf</u>

Anticipated Potable Water Demand

Average Day Demand*	Maximum (Peak) Day Demand*
Domestic (gpd): <u>165</u>	Domestic (gpd): <u>330</u>
Irrigation (gpd): <u>0gpd</u>	Irrigation (gpd): <u>0gpd</u>
Industrial (gpd): <u>2,466</u>	Industrial (gpd): <u>6,750</u>
Total: <u>2,631</u>	Total: <u>7,080</u>

*ATTACH CALCULATIONS AND REFERENCES USED

Average Day Demand (ADD) shall be total demand for one year divided by three hundred sixty-five days/year.
Maximum Day Demand (MDD) shall be the largest single day's demand in a normal year.

Comments: See above and attached for demand calculations.
Cost of Water Supply Report/Will-Serve Letters – The cost to process a Will-Serve application shall be fully borne by the applicant and will be based on the actual cost of staff time. If the City elects to use consultant services, the applicant shall pay the consultant's rate plus 15% for administrative overhead. An initial deposit of \$2,000 shall be included at the time of application submission.

Owner & Applicant Acknowledgements and Notification

I declare under penalty of perjury that I am the owner of said property. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application. I agree to pay all fees and recoverable costs for processing the application.

Property Owner Signature(s)

 Date 8/23/24

I declare under penalty of perjury that I have the written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application. I agree to pay all fees and recoverable costs due to the City for processing the application, whether it is approved, denied, or appealed.

Applicant Signature(s)

 Date 8/23/24

Partnerships & Corporations

In the case of a partnership, all general and limited partners shall be identified. In the case of a corporation, all shareholders owning 10% or more of the stock and all officers and directors shall be identified.

Name

Address

Signature

Additional recipients of project correspondence

If you desire project correspondence and notice of meetings to be sent to parties other than the Applicant and Property Owner, please list their names, address and telephone numbers below.

Name

Address

Telephone number

Indemnification Agreement by Applicant

The applicant shall defend, indemnify, and hold harmless the City of American Canyon ("City"), its elected officials, officers, employees, attorneys, representatives, boards, commissions, volunteers and agents from and against all claims, actions, including actions to arbitrate or mediate, damages, losses, judgments, liabilities, expenses and other costs, or proceedings against the City, its elected officials, officers, employees, attorneys, representatives, boards, commissions, volunteers, or agents to attack, modify, set aside, void, or annul an approval, conditional approval, permit, entitlement, environmental document, environmental clearance, mitigation plan, or any other document or any of the proceedings, acts, or determinations taken, done, or made prior to granting of such approval, conditional approval, permit, entitlement, environmental clearance, environmental document, mitigation plan, or other document, by the City, including, without limitation, an action against an advisory agency, appeal board, or legislative body within the applicable limitation period.

The obligation to defend, indemnify and hold the City harmless shall include the payment of all legal costs and attorney's fees (including a third party award of attorney's fees), arising out of, resulting from, or in connection with the City's act or acts leading up to and including approval of any environmental document or mitigation plan granting approvals to the applicant, incurred on behalf of, or by, the City, its elected officials, officers, employees, representatives, attorneys, boards, commissions, volunteers and agents in connection with the defense of any claim, action, or proceeding challenging the entire or a portion of an approval, conditional approval, permit, entitlement or any other document of any related claim.

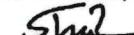
The obligation to defend, indemnify, and hold the City harmless shall include, but not be limited to, the cost of preparation of any administrative record by the City, staff time, copying costs, court costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of a permit, approval, conditional approval, entitlement, environmental document, mitigation plan, environmental clearance, Water Supply Report, Will-Serve Letter or any other document or approval related to the applicant's project.

The City will promptly notify the applicant of any claim, action, or proceeding and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or the City fails to cooperate fully in the defense, the applicant shall not be responsible to defend, indemnify, or hold harmless the City.

In the event a legal challenge to a City permit, approval, conditional approval, environmental document, environmental clearance, mitigation plan, entitlement or any other document, proceeding, determination, or action related to the applicant's project is successful, and an award of attorneys' fees is granted against the City, the applicant shall be responsible to timely pay the full amount of such an award.

SHEA ROVAT

Applicant's printed name



Applicant's signature

8/23/24

Date



MEMORANDUM

To: Shea Rhoda
From: Paul Schneider, P.E.
Date: 9/6/2024
Re: Napa Gateway



I. Introduction

Our office has been retained to document the design and operational parameters for the proposed water system for the Gateway Building. This memo is to accompany the will serve application as justification for the water demands and annual usage.

II. Average Daily Demand (ADD)

The anticipated water demand is based on the following assumptions:

Domestic water use is based on the County of Napa domestic use table of 15 gpd per employee. The average number of employees onsite is 11. This yields an average domestic daily use of 165 gpd.

The building is intended to be utilized as a winery production facility that will utilize approximately 3.6 gallons of water to produce 1 gallon of wine. The facility is designed to produce 250,000 gallons of wine, therefore the annual water demand is 900,000 gallons. Approximately 45% or 405,000 gallons of the total demand occurs over a 60 day period and the balance throughout the remainder of the year. This places the ADD for the full year at 2,466 gpd (900,000 gallons/365 days).

The total water usage for the property is 2,631 gallons per day (gpd) as shown in Table A below:

Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
165	2,466	0	2,631

Stockton 3428 Brookside Rd., Stockton, CA 95219 t: 209.943.2021	San Jose 111 N. Market St., #300 San Jose, CA 95113 t: 408.754.2021	Sacramento 1164 National Dr., #20 Sacramento, CA 95825 t: 916.520.2777	Modesto 100 Sycamore Ave, #100 Modesto, CA 95354 t: 209.762.3580
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MEMORANDUMGateway
Napa, CA

Page 2 of 3

**III. Maximum Day Demand (MDD)**

The MDD for domestic water according to American Canyon Municipal Code is ADD x 2.0, therefore the domestic MDD is 330 gpd. As stated in Section II the MDD for the industrial water is during the 60 day vintage production period where 405,000 gallons are required. This yields a MDD of 6,750 gpd (405,000 gallons/60 days) of industrial demand, the remaining days of the year will be lower at a MDD of 1,623 gpd (495,000 gallons/305 days). The anticipated total water MDD for the property is 7,080 gallons per day (gpd) as shown in Table B below:

Table B: Maximum Daily Demand (MDD)			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
330	6,750	0	7,080

IV. Project Demand consistency with UWMP and ACMC 13.10

The City's 2010 Urban Water Management Plan (UWMP) assumes properties such as this one will have up to a maximum average daily demand of 675 gpd per acre. The American Canyon Municipal Code section 13.10 lowers this to 650 gpd per acre. As shown in Table C below the properties average daily demand (ADD) is less than the ACMC 13.10 limit of 650 gpd.

Table C: Project Demand consistency with UWMP and ACMC 13.10			
Parcel Size (ac)	UWMP (gpd/ac)	ACMC 13.10 (gpd/ac)	Property ADD (gpd/ac)
4.33	675	650	2,814

The allocated 2,814 gpd ADD per Table C is greater than the calculated water usage of 2,631 gpd ADD per Table A. The project therefore complies with the Zero-Water Footprint requirements and no demand offsets are required.

Stockton 3428 Brookside Rd. Stockton, CA 95219 t: 209.943.2021	San Jose 111 N. Market St., #300 San Jose, CA 95113 t: 408.754.2021	Sacramento 1164 National Dr., #20 Sacramento, CA 95825 t: 916.520.2777	Modesto 100 Sycamore Ave, #100 Modesto, CA 95354 t: 209.762.3580
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MEMORANDUMGateway
Napa, CA

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**Exhibit A: Industrial Water Demand Estimate**

Converter	Tons/Cases/Gallons of Wine (Input blue number)			
	ENTER	Cases	Tons	Gallons of Finished Wine
Tons	1	63		150
Cases	22575	-	358.3	53729
Gallon finished Wine	250,000	105042	1667	-
Total WW/year	1650000	383403	6086	912500

105042	Cases/Year
63	Cases/Ton
2.39	Gal of Wine/Case
4	Gal of PW:Wine Ratio
45	% of Annual PW Used During Vintage
60	Days of Vintage
305	Days/Year
1.1	SF for Peak/Max Daily Flow

250000	Total Finished Wine/Year, in Gallons
1000000	Total PW/Year, in Gallons
450000	Total Volume of Wastewater Generated During Vintage, in Gallons
7500	Average Daily Wastewater Production During Vintage, in Gallons
1803	Average Daily Wastewater Production During Rest of the Year, in Gallons
8250	Peak Daily Flow During Vintage, in Gallons
16500	Recommended EQ Capacity (2-Day Minimum), in Gallons

(System Size Based On This Number)

Stockton 3428 Brookside Rd. Stockton, CA 95219 t: 209.943.2021	San Jose 111 N. Market St., #300 San Jose, CA 95113 t: 408.754.2021	Sacramento 1164 National Dr., #20 Sacramento, CA 95825 t: 916.520.2777	Modesto 100 Sycamore Ave, #100 Modesto, CA 95354 t: 209.762.3580
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PUBLIC WORKS DEPARTMENT

4381 BROADWAY, SUITE 201
AMERICAN CANYON, CA 94503

WATER SUPPLY REPORT

FOR

Gateway 24 Napa, LLC

**Gateway Road East, Napa, CA 94558
Napa County Assessor's Parcel Number
APN 057-200-039**

Prepared by:

**Edison Bisnar
Development Services Engineer**

Approved by:

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

Date

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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 Gateway Road East (Assessor's Parcel Number: 57-200-039) on approximately 4.33 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 54,770 square foot winery and office building with associated site improvements. Entitlements required include a Use Permit from Napa County (P24-00134) and Will-Serve Letters from the City (for potable domestic water service and fire service) and Napa Sanitation District (for sewer and recycled water)².

The project incorporates the following water conservation best management practices:

- Dual plumb the building to receive recycled water for toilet flushing
- Motion-sensor faucets
- Use of 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 23, 2024, was submitted by Shea Rouda, on behalf of the Owner, Gateway 24 Napa, LLC. The submitted application details the anticipated water demands for the Site. City Staff has reviewed the provided application and finds the estimate to be consistent with industry standards for similar uses.

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 (Napasian) recycled water service area.

1.5 – Average Day Demand (ADD)

As shown on Table 1, the anticipated “Average-Day” Demand (ADD) for the Property is 2,631 gpd.

Table 1 – Property ADD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
165	2,466	0	2,631

1.6 – Maximum Day Demand (MDD)

As shown in Table 2, the anticipated Maximum Demand (MDD) for the Property is 7,080 gpd.

Table 2 – Property MDD			
Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
330	6,750	0	7,080

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 MDD 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 MDD of 650 gpd per acre. As shown in Table 3 below, the Property's estimated MDD (1,635 gpd per acre) is greater than the maximum allowed by the ACMC 13.10 (650 gpd per acre):

Table 3 – Maximum MDD			
Parcel Size (acres)	UWMP (gpd/acre)	ACMC 13.10 (gpd/acre)	Property MDD (gpd/acre)
4.33	675	650	1,635

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 (2,631 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 \$24,286.15³ 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 2,631 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

³ Calculation: 2,631 gpd/65 gpd x \$600 = \$24,286.15

implementation in 2007. New or increased demands to the City's system after 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 project's contribution shall be equal to the property's 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.

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 \$252,968.40. This one-time fee amount is based on the rate of \$35.73 per gallon x MDD (7,080 gpd).

3.2 – Service Charge

⁴ ACMC §13.14.070

⁵ ACMC §13.06.090

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 \$7.54/unit (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 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 UWMP 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

⁶ ACMC §13.06.040

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

**Gateway 24 Napa LLC
Gateway Road East, Napa, CA 94558
(APN 057-200-039)**

I, _____, acknowledge and accept
the water supply analysis as set forth in this Water Supply Report dated
_____.

(Signature)

(Date)



April 4, 2025

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

**SUBJECT: APN 057-200-039 – Gateway Road East Winery
NapaSan Will Serve #108**

To Whom It May Concern:

The Napa Sanitation District (NapaSan) has received a request to provide a "Will Serve" letter for one proposed industrial building, (APN 057-200-039) to be located on the north-eastern side of the Gateway Road East court. The building will be 54,770 SF. The building will be used for wine production and warehouse space. The subject parcel is currently within NapaSan's Sphere of Influence and within NapaSan's boundaries. NapaSan will provide sanitary sewer and recycled water service to this parcel. The applicant has informed NapaSan that the proposed building will dispose of its industrial process wastewater using a hold-and-haul method, which NapaSan does not object to. Alternatively, NapaSan will provide industrial sewer service to the parcel, if the applicant meets NapaSan's standards for industrial users.

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

1. Install the sanitary sewer and recycled water 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 from NapaSan for the hold-and-haul operation.

NapaSan has been informed that the industrial building is estimated to generate approximately 467 gallons of domestic wastewater per day, which is equivalent to the flow of approximately 4 single-family dwellings.

NapaSan has been informed that the industrial building is estimated to generate approximately 8,250 gallons of industrial process wastewater per day, which is equivalent to the flow of approximately 66 single-family dwellings.

The subject parcel lies within NapaSan's recycled water service area. The subject parcel shall connect to the Gateway Business Park private recycled water system. The owner shall submit plans to NapaSan and the Gateway Business Park representative for review and approval. The development will be required to install the necessary facilities to utilize recycled water for landscape irrigation.

NapaSan
1515 Soscol Ferry Road
Napa, CA 94558

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

www.napasanz.org

The project has requested service for approximately 1.3 acres of landscaping, with a recycled water demand of approximately 0.8 acre-feet per year. NapaSan will provide recycled water service to this parcel.

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,



Gavin Glascott, P.E.
Associate Civil Engineer



June 25, 2024

Planning, Building, & Environmental Services
County of Napa
1159 Third Street, Suite 210
Napa, CA 94559

RE: 24-00134 Gateway 24, REFRL-001526, Shea Rouda, APN 057-200-039 (Sawyer)

NapaSan has reviewed the above-named application, which has been 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 City Building Permit and shall adhere to the rules and regulations as they apply to the application.

The following conditions are based on the information currently available and are subject to change upon receipt of additional information:

- 1) Utility information was not provided for this application. NapaSan reserves the right to modify or add conditions on any future applications.
- 2) A plan showing the required sanitary sewer improvements, conforming to NapaSan standards shall be submitted to NapaSan for approval prior to issuance of permits.
- 3) 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.
- 4) If the owner desires to discharge process wastewater by a hold and haul method, with zero discharge to NapaSan's sewer facilities, documentation of the certified waste hauler shall be provided to NapaSan. The applicant shall enter into a zero-waste discharge permit with NapaSan.
- 5) The applicant shall complete and submit a NapaSan Industrial User Discharge Permit Application Form describing the intended industrial discharge for review by NapaSan.

NapaSan
1515 Soscol Ferry Road
Napa, CA 94558

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

www.napasanz.org

- 6) The subject parcel shall use recycled water for landscape irrigation and shall connect to the Gateway Business Park private recycled water system. The owner shall submit plans to NapaSan and the Gateway Business Park representative for review and approval.
- 7) There is an existing sewer lateral stubbed out to the subject parcel. The owner shall perform a video inspection of the sewer lateral in the presence of a NapaSan inspector or submit the footage to NapaSan for review. If the lateral passes video inspection as determined by NapaSan, then the lateral may be reused. If it fails inspection or if the owner decides not to reuse it, the owner will be required to hire a Class A licensed contractor to install a new lateral and abandon the existing lateral per NapaSan standards by capping at the main. The lateral installation and abandonment shall be done at the owner's expense.
- 8) Floor drains are not allowed in the building except in restroom and food service areas. Floor drains in the winery production area shall be connected to the process waste stream.
- 9) All sewer discharges from the proposed development shall meet the Local Limits for constituents of concern established by NapaSan.
- 10) Discharge lines from elevator sump pits shall not be connected to the sanitary sewer system.
- 11) Should there be a drain in the trash enclosure, it shall be connected to a grease interceptor and the trash enclosure shall meet NapaSan standards. Contact NapaSan for additional information.
- 12) 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. Outdoor dining and event space are included in the square footage)
 - d. Capacity Charges for process waste (Calculated per per Section 5.02.030.B of NapaSan Code. Contact NapaSan for additional information)
- 13) 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.
- 14) 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 \$11,519 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 gglasco@napasan.com for additional information.

Sincerely,



Gavin Glascott, P.E.
Associate Civil Engineer



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2024-AWP-15066-OE

Issued Date: 03/04/2025

Shea Rouda
Phelan Development
220 Montgomery Street
1069
San Francisco, CA 94104-0000

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building Gateway Warehouse
Location: Napa, CA
Latitude: 38-13-35.00N NAD 83
Longitude: 122-15-33.00W
Heights: 60 feet site elevation (SE)
45 feet above ground level (AGL)
105 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M Change 1.

This determination expires on 09/04/2026 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (424) 405-7641, or tameria.burch@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-AWP-15066-OE.

Signature Control No: 639860479-649295390

(DNE)

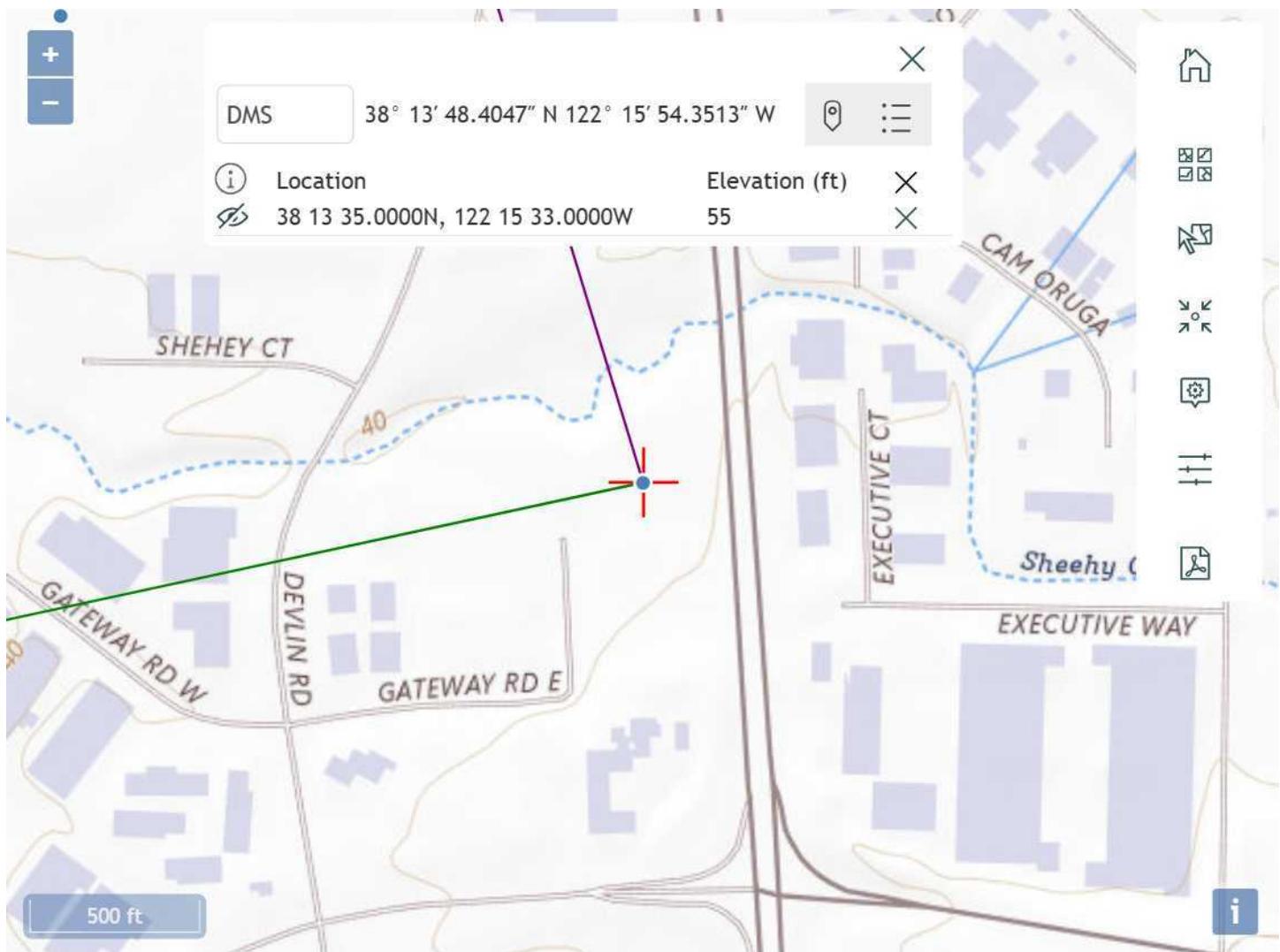
Tameria Burch
Technician

Attachment(s)
Case Description
Map(s)

Case Description for ASN 2024-AWP-15066-OE

The structure will use reinforced concrete for footings and slabs, pre-cast concrete panels for walls, steel for framing and roofing, TPO for roofing, insulated metal panels for thermal protection, masonry for enclosures, and various metal fabrications.

Verified Map for ASN 2024-AWP-15066-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2024-AWP-15067-OE

Issued Date: 02/10/2025

Shea Rouda
Phelan Development
220 Montgomery Street
1069
San Francisco, CA 94104-0000

****DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Mobile Crane Crawler Crane
Location:	Napa, CA
Latitude:	38-13-35.00N NAD 83
Longitude:	122-15-33.00W
Heights:	60 feet site elevation (SE) 140 feet above ground level (AGL) 200 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does exceed obstruction standards but would not be a hazard to air navigation provided the condition(s), if any, in this letter is (are) met:

****SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION****

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.9, a separate aeronautical study and FAA determination is required.

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Air Missions (NOTAM).

If we can be of further assistance, please contact Justin Hetland, at (847) 294-8084, or justin.hetland@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-AWP-15067-OE.

Signature Control No: 639860480-646908270

(TMP)

Julie A. Morgan

Manager, Obstruction Evaluation Group

Proposal: To construct and/or operate a(n) Mobile Crane to a height of 140 feet above ground level, 200 feet above mean sea level.

Location: The structure will be located 1.29 nautical miles northeast of APC Airport reference point.

Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:

Section 77.17 (a) (5) a height that affects an Airport Surface by penetrating:

Section 77.19 (a) Horizontal Surface by 15 feet as applied to APC.

The VFR traffic pattern airspace is impacted, please contact the airport manager for local NOTAMs.

Preliminary FAA study indicates that the above mentioned structure would:

have no effect on any existing or proposed arrival, departure, or en route instrument flight rules (IFR) operations or procedures.

have no physical or electromagnetic effect on the operation of air navigation and communications facilities.

have no effect on any airspace and routes used by the military.

Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M Change 1, Obstruction Marking and Lighting, flags/red lights-Chapters 3(Marked),4,5(Red),14(Temporary),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

As a condition to this determination, the temporary structure must be lowered to 125 feet above ground level (185 feet above mean sea level) , when not in use and during the hours between sunset and sunrise.

If the crane cannot be lowered to this height, then the following condition must also be met for nighttime conspicuity:

The structure must be lighted in accordance with FAA Advisory Circular 70/7460-1M Change 1 , Obstruction Marking and Lighting, red lights – Chapters 4, 5(Red),&12.

It is required that the manager of NAPA COUNTY, (707) 253-4300 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site.

It is required that the manager of Napa ATCT, 707-255-1534 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site. Additionally, please provide contact information for the onsite operator in the event that Air Traffic Control requires the temporary structure to be lowered immediately.

This determination expires on 08/10/2026 unless extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

TOPO Map for ASN 2024-AWP-15067-OE



Sectional Map for ASN 2024-AWP-15067-OE

