

**BOARD OF SUPERVISORS APPEAL HEARING APRIL 23, 2024
RECOMMENDED CONDITIONS OF APPROVAL**

**NOVA BUSINESS PARK NORTH
TENTATIVE MAP (P22-00093-TM)
DEVLIN ROAD, NAPA, CALIFORNIA
APN'S 057-020-092, -093, -094 & 057-170-024 (SFAP), -025 (SFAP) - 027**

This Permit encompasses and shall be limited to the project commonly known as the Nova Business Park North Tentative Map, located on the west side of Devlin Road, south of Suscol Creek. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

This Permit encompasses and shall be limited to:

- 1.1 Approval of a tentative map to subdivide six lots totaling approximately 93.2-acres to create 13 new parcels ranging in size from 2.20 to 12.15 acres. The project includes street and infrastructure improvements including two new cul-de-sacs accessed from an existing roadway from Devlin Road. No specific land uses or buildings are proposed as part of this application.

The Final Map shall be in substantial compliance with the tentative map consisting of a 13-lot subdivision on an approximately 93.2-acre site.

2.0 STATUTORY AND CODE SECTION REFERENCES

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

3.0 MONITORING COSTS

All Staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded,

shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

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

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

- 4.1 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**
- 4.2 AMPLIFIED MUSIC **[RESERVED]**
- 4.3 TRAFFIC **[RESERVED]**
- 4.4 PARKING **[RESERVED]**
- 4.5 TENANCY CHANGE **[RESERVED]**
- 4.6 BUILDING DIVISION – USE OR OCCUPANCY CHANGES **[RESERVED]**
- 4.7 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**
- 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 **[RESERVED]**
- 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 11, 2023.
- b. Department of Public Works operational conditions as stated in their Memorandum dated April 10, 2023.
- c. Fire Department operational conditions as stated in their Memorandum dated May 24, 2023.
- d. City of American Canyon operational conditions as stated in their “will serve” letter dated August 22, 2023.
- e. Napa Sanitation District operational conditions as stated in their conditional will-serve letter dated April 4, 2023, and their comment letter dated May 10, 2023.

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 **[RESERVED]**

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 11, 2023.
- b. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandum dated April 10, 2023.
- c. Fire Department plan review/construction/preoccupancy conditions as stated in their Memorandum dated May 24, 2023.
- d. City of American Canyon plan review/construction/preoccupancy conditions as stated in their "will serve" letter dated August 22, 2023.
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The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

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

buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided, as required per the CBC.

- 6.3 LIGHTING – PLAN SUBMITTAL **[RESERVED]**
- 6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVED]**
- 6.5 COLORS **[RESERVED]**
- 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES **[RESERVED]**
- 6.7 MECHANICAL EQUIPMENT **[RESERVED]**
- 6.8 TRASH ENCLOSURES **[RESERVED]**
- 6.9 BICYCLE PARKING **[RESERVED]**
- 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 **[RESERVED]**
- 6.13 HISTORIC RESOURCES **[RESERVED]**
- 6.14 DEMOLITION ACTIVITIES **[RESERVED]**
- 6.15 PERMIT PREREQUISITE MITIGATION MEASURES

BIO 1: Within 48 hours prior to the commencement of construction activities, a qualified biologist shall conduct a preconstruction CRLF survey to ensure that no CRLF are located on or in proximity to the site. If CRLF are found, the CDFW and USFW will be contacted to determine appropriate mitigation measures and the work shall be halted until the consultations are completed.

Method of Mitigation Monitoring: The permittee shall have a CRLF survey completed prior to any construction/earth disturbing activities scheduled to occur on the site. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event CRLF are found to occur on-site consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts CRLF.

BIO-2: If construction would commence anytime during the nesting/breeding season of the Swainson's hawk, golden eagle, white tailed kite northern harrier, or other raptor or bird species listed in the Migratory Bird Treaty Act (typically February 1 through September 15), a pre-construction survey of the project vicinity for nesting birds should be conducted. This survey should be conducted by a qualified biologist (experienced with the nesting behavior of bird species of the region) within 14 days prior to the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey should be to determine if active nests are present within or adjacent to the construction zone within approximately 250 feet. The surveys should be timed such that the last survey is concluded no more than two weeks prior to initiation of construction. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey should be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone should be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them should be determined through consultation with the CDFW depending on the species, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and sensitivity of individual nesting species and behaviors of the nesting birds.

The buffer zone around an active nest should be established in the field with orange construction fencing or another appropriate barrier and construction personnel should be instructed on the sensitivity of nest areas. The qualified biologist should serve as a construction monitor during those periods when construction activities would occur near active nest areas of special status bird species to ensure that no impacts on these nests occur.

Method of Mitigation Monitoring: The permittee shall have a nesting bird survey completed prior to any construction/earth disturbing activities scheduled to occur on the site from February 1 through September 15. The survey shall also be conducted in accordance with the protocol of the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any special-status or other protected nesting birds are found to occur on-site construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting birds protected under the MBTA.

BIO-3: Prior to the commencement of construction activities, a qualified biologist shall conduct a focused survey to determine if burrowing owls are present on the site. This survey shall be conducted in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation within 14 days prior to the commencement of construction activities. The survey should include the project site and environs. If a burrowing owl is identified on the project site all work shall be put on pause until the CDFW has been consulted regarding avoidance and minimization measures.

Method of Mitigation Monitoring: The permittee shall have a burrowing owl survey completed prior to any construction/disturbing activities scheduled to occur within 14 days prior to any construction/earth disturbing activities. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. on. 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.

BIO 4: For construction activities between October 16 and August 14: Prior to the commencement of construction activities, a qualified biologist shall conduct a focused survey to determine the presence/absence of any special status bat species. If bats are found, then a plan for removal or exclusion between October 16 and August 14 will be developed by a qualified biologist and in consultation with CDFW.

For construction activities between August 15 and October 15: If trees are to be removed between August 15 and October 15, they will be trimmed and removed in a two-phased system conducted over two consecutive days under the supervision of a qualified biologist. The first day (afternoon), limbs, branches and trunks without cavities, crevices and deep bark fissures are removed by chainsaw. Limbs and trunks with cavities, crevices and bark fissures would be avoided. On the second day, the remainder of the tree may be removed.

Method of Mitigation Monitoring: The permittee shall have a bat habitat assessment and survey, as applicable, prior to any tree removal as specified above. In the event special-status bat species are detected, a tree removal plan will be developed by a qualified biologist and in consultation with CDFW.

BIO 5: Within 5 days of construction, a qualified biologist shall conduct a preconstruction survey of all areas that would be impacted by construction activities that are within 100 feet of potential western pond turtle habitat. If any western pond turtles or eggs observed within the construction zone, the CDFW shall be consulted.

Method of Mitigation Monitoring: The permittee shall have a western pond turtle survey completed prior to any construction activities scheduled to occur on the site. The survey results shall be provided to the Planning Division. In the event western pond turtles or eggs are found to occur, on-site consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts.

BIO-6: The project will construct a total of at least 0.436 acres of seasonal wetlands or 1:1 mitigation, in order to mitigate for those that are impacted by the project.

Method of Mitigation Monitoring: Prior to any earth disturbing activities a mitigation plan describing the constructed wetland locations, construction methods, and monitoring and success criteria will be submitted to the applicable permitting agencies for review and approval.

6.16 PARCEL CHANGE REQUIREMENTS

The permittee shall comply with the following requirements:

- a. PARCEL MERGER **[RESERVED]**
- b. LOT LINE ADJUSTMENTS **[RESERVED]**
- c. EASEMENTS
Required easements shall be recorded prior to issuance of building permits.

6.17 FINAL MAPS

- a. COUNTY SURVEYOR
The sub-divider shall submit a Final Map to the Department of Public Works for review and approval by the County Surveyor. The subdivider shall pay the map checking fee as established by resolution of the Napa County Board of Supervisors in effect at the time of submittal of the Final Parcel Map.
- b. CONDITIONS, COVENANTS AND RESTRICTIONS (CC&RS)
Prior to recording the Final Map, the sub-divider shall submit the final CC&Rs to the PBES Director and County Counsel for review and approval. The CC&Rs shall indicate all improvements and features to be maintained by the owners association, if applicable, and the method of maintenance and financing of those commonly owned site improvements and features.

6.18 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**

- a. The project shall be subject to the additional conditions of approval attached in Exhibit "A". In the event of a conflict between these conditions and those contained in Exhibit "A", the more restrictive condition shall control.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

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

- b. **DUST CONTROL**
Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

- c. **AIR QUALITY**
During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:
 - 1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
 - 2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
 - 3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
 - 4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - 5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - 6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - 7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.
 - 8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated

equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. STORM WATER CONTROL

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

7.2 ARCHEOLOGICAL FINDING

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

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

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities only shall occur daily between the hours of 8:00 AM to 5:00 PM.

7.4 CONSTRUCTION MITIGATION MEASURES

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BIO-6: The project will construct a total of at least 0.436 acres of seasonal wetlands or 1:1 mitigation, in order to mitigate for those that are impacted by the project.

Method of Mitigation Monitoring: Prior to any earth disturbing activities a mitigation plan describing the constructed wetland locations, construction methods, and monitoring and success criteria will be submitted to the applicable permitting agencies for review and approval.

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

- a. The project shall be subject to the additional conditions of approval attached in Exhibit "A". In the event of a conflict between these conditions and those contained in Exhibit "A", the more restrictive condition shall control.

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]

9.1 FINAL OCCUPANCY [RESERVED]

9.2 SIGNS [RESERVED]

9.3 GATE/ENTRY STRUCTURES [RESERVED]

9.4 LANDSCAPING [RESERVED]

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS

The permittee shall construct access drive(s)/cul-de-sacs. The design of the access drive(s)/cul-de-sacs shall be submitted to the Public Works Department and/or the Engineering Services Division for review and approval. The access drives shall be designed in substantial conformance with the submitted tentative map, and other submittal materials and shall comply with all requirements of the County Code and Napa County Road and Street Standards.

9.6 DEMOLITION ACTIVITIES [RESERVED]

9.7 GRADING SPOILS

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

- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

BIO-6: The project will construct a total of at least 0.436 acres of seasonal wetlands or 1:1 mitigation, in order to mitigate for those that are impacted by the project.

Method of Mitigation Monitoring: Prior to any earth disturbing activities a mitigation plan describing the constructed wetland locations, construction methods, and monitoring and success criteria will be submitted to the applicable permitting agencies for review and approval.

- 7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**
- 8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**
- 9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**
 - 9.1 FINAL OCCUPANCY **[RESERVED]**
 - 9.2 SIGNS **[RESERVED]**
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All spoils piles shall be removed in accordance with the approved grading permit and/or building permit.
 - 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
 - 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Brian D Bordona
Director

MEMORANDUM

To: Sean Trippi, Planning	From: Raulton Haye, Engineering
Date: October 11, 2023	Re: P22-00093 Nova Business Park- Tentative Map APN: 057-020-036

The Engineering Division has reviewed the use permit application P22-00093 for the tentative subdivision located on assessor’s parcel number 057-020-036. 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 Residential 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 FOR TEMPORARY CERTIFICATE OF OCCUPANCY

11. 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

12. 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



A Tradition of Stewardship
A Commitment to Service

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

Office: (707) 299-1464

Jake White
Fire Marshal

Napa County Fire Department Conditions of Approval

TO:	Planning Department	DATE:	5/24/2023
FROM:	Jason Downs, Deputy Fire Marshal	PERMIT #	P22-00093
SUBJECT:	Nova Business Park North -Tentative Map	APN:	057-020-036-000

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. 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.
3. 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.
4. Roadways shall be a minimum of 20 feet in width with a 2-foot shoulder and 15-foot vertical clearance.
5. Turnarounds are required on driveways and dead-end roadways.
6. 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.
7. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested, and maintained per NFPA 24.



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Jake White
Fire Marshal

Napa County Fire Department Conditions of Approval

8. 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
9. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
10. Provide 100 feet of defensible space around all structures.
11. Provide 10 feet of defensible space for fire hazard reduction on both sides of all roadways of the facility.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found at www.countyofnapa.org/firemarshal.

Please contact me at (707) 299-1467 or by email at jason.downs@countyofnapa.org with any questions or concerns.



August 22, 2023

Ron Fedrick
Nova Business Park, LLC
185 Devlin Road
Box 4050
Napa, CA 94558

SUBJECT: Request for Water Service "Will-Serve" Letter
Nova Business Park North
Devlin Road, Napa, CA 94558
(APN 057-170-023, -024, -025; 057-120-030, -031, -036)

Dear Mr. Fedrick,

The City of American Canyon has received your request as the Property Owner for a Will-Serve letter for water service to the properties located at Devlin Road (Assessor's Parcel Numbers: 057-170-023, -024, -025; 057-120-030, -031, -036; herein after referred to as the "Property"). The City has received a copy of a Tentative Map Application (P22-00093) from the Napa County Planning, Building & Environmental Services Department, for the development of an 82.51 acres property into 13 lots. These lots will have warehouses in the future. Lot 11 has an existing building which will remain.

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 the Tentative Map. In general, the City reviews the impacts of such requests for service taking into account the overall demand within the 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 Questionnaire prepared by CAB Consulting Engineers, dated April 17, 2023. At present, most of the 82.51 property is vacant except Lot 11 which has an existing building that will remain. This lot is currently served by the City of American Canyon for its water demand and is not included in the Will-Serve Application. The Tentative Map for the Property includes thirteen parcels defined alphabetically, which also correspond with the building identification. The total proposed building square footage for the thirteen proposed buildings is approximately 1,011,421 square feet.

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



**Letter to Ron Fedrick
Nova Business Park, LLC
August 22, 2023
Page 2**

As Table 1 below shows, the requested Annual Average Daily Demand (AADD) is 22,867 gallons per day (gpd). Table 2 details the requested Maximum Daily Demand (MDD) is 45,735 gallons per day (gpd). Irrigation will be supplied with recycled water. The Property is located within the Napa Sanitation District (NapaSan) recycled water service area.

Table 1 – Requested Average Day Demand						
Annual Average Daily Water Demand (AADD)						
Lot	Bldg. Area (sf)	Lot Area (ac)	Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
1	81,056	5.64	379	1,454	0	1,833
2	45,173	3.14	244	777	0	1,021
3	48,692	3.39	258	844	0	1,102
4	31,678	2.20	194	521	0	715
5	34,940	2.43	206	584	0	790
6	101,066	7.03	454	1,831	0	2,285
7	87,865	6.10	405	1,578	0	1,983
8	94,878	6.60	431	1,714	0	2,145
9	111,621	7.77	493	2,032	0	2,525
10	81,280	5.65	380	1,456	0	1,836
11	N/A	12.15	N/A	N/A	N/A	N/A
12	153,954	10.71	653	2,828	0	3,481
13	139,399	9.70	597	2,555	0	3,152
	Total	82.51	4,694	18,174	Total	22,868



**Letter to Ron Fedrick
Nova Business Park, LLC
August 22, 2023
Page 3**

Table 2 – Requested Maximum Day Demand						
Maximum Daily Water Demand (MDD)						
Lot	Bldg. Area (sf)	Lot Area (ac)	Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
1	81,056	5.64	758	2,908	0	3,666
2	45,173	3.14	487	1,554	0	2,041
3	48,692	3.39	515	1,688	0	2,203
4	31,678	2.2	388	1,042	0	1,430
5	34,940	2.43	412	1,168	0	1,580
6	101,066	7.03	908	3,662	0	4,570
7	87,865	6.10	808	3,157	0	3,965
8	94,878	6.60	862	3,428	0	4,290
9	111,621	7.77	987	4,063	0	5,050
10	81,280	5.65	760	2,913	0	3,673
11	N/A	12.15	N/A	N/A	N/A	N/A
12	153,954	10.71	1,306	5,656	0	6,962
13	139,399	9.70	1,195	5,108	0	6,303
	Total	82.51	9,386	36,347	Total	45,733

The City's Zero Water Footprint (ZWF) Policy requires new development to offset all of its water demands in order to prevent reduction in the reliability of existing water supplies or increases in water rates to existing customers. In light of the information submitted in the Questionnaire the City has determined that the Property will not have a Zero Water Footprint because once complete, the Property's proposed AADD (22,867 gpd) will be greater than the established baseline AADD (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, because the Property has been determined to not have a Zero

Water Footprint, 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 Zero Water Footprint Mitigation Fund. The payment of such mitigation monies will allow the City to continue to fund and undertake water



**Letter to Ron Fedrick
Nova Business Park, LLC
August 22, 2023
Page 4**

conservation efforts to offset the requested AADD increase of 22,867 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 the above table. 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:

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. Prior to the City starting review of the improvement plans, 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.



**Letter to Ron Fedrick
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August 22, 2023
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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 Property must, at a minimum during its environmental review:
- a. Present sufficient facts to evaluate the pros and cons of supplying the water that the Property will need; and
 - b. Present analysis that assumes that all phases of the Project will be built and will need water, and includes an analysis to the extent reasonably possible of the consequences of the impacts of providing water to the entire project; and
 - 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 obligations for water service are as follows:
- a. Monthly water service charges will be billed at the current rate (Outside City Rate) in effect at the time of service and are subject to change. The current rate is \$7.72 per 100 cubic feet.
 - b. The water capacity fee for the Property will be \$1,500,499.73² based on MDD of 45,735 gpd. Capacity fee will be adjusted based on fees in effect at the time of payment. This payment shall be made prior to installation of the first water meter to serve the property.
 - c. The ZWF Mitigation (offset) cost for the Property is \$211,089.23³ in order to achieve compliance with the ZWF Policy.
7. The Property shall incorporate the following water conservation best management practices:
- Dual plumb the buildings to receive recycled water for toilet flushing
 - Motion-sensor faucets
 - Use recycled water for landscaping
 - On-demand (Instahot) hot water heaters for individual restrooms or the plumbing of hot water return lines with an integral pump if using a centralized tank or tankless unit

² Calculation: 45,733 gpd x \$32.81/gpd = \$1,500,499.73. This fee based on rates effective February 4, 2023 Resolution 22-R104. Actual fee to be based on rates in effect at time of payment.

³ Calculation: 22,868 gpd/65 gpd x \$600 = \$211,089.23



**Letter to Ron Fedrick
Nova Business Park, LLC
August 22, 2023
Page 6**

- Installation of an ET Smart irrigation controller
 - Use recycled water for landscape irrigation
 - 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. The Project shall upgrade the existing 8" ACP water main to 12" water main along the frontage of Parcel 057-170-023, from the Rocca Winery driveway south to the Nova Driveway. The existing 8" ACP is a segment within the existing 12" main. Upgrading this water main will improve water distribution to serve the project and the surrounding area. Cost of the water main upgrade will qualify for a credit against the project's Water Capacity Fee. Developer shall enter into an agreement with the City prior to start of development of the Property.
10. Future changes to the Property with respect to the change in use or water demands, may require individual Will-Serve Letters to be issued.

This Will-Serve Letter will remain valid until August 22, 2025. The City reserves the right to further condition and/or deny the extension of water service if the Project is different from that which presently proposed and authorized or if events out the City's control impact the City's ability to furnish water.

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

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

Sincerely yours,

DocuSigned by:
 8/22/2023
A02D878043A74E7...
Erica Ahmann Smithies, P.E.
Public Works Director/City Engineer



**Letter to Ron Fedrick
Nova Business Park, LLC
August 22, 2023
Page 7**

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



**Letter to Ron Fedrick
Nova Business Park, LLC
August 22, 2023
Page 8**

**ACCEPTANCE
of
City's Conditional Offer of Water Service for
Nova Business Park North
Devlin Road, Napa, CA 94558
(APN 057-170-023, -024, -025; 057-120-030, -031, -036)**

I, Ron Fedrick, CEO,
(Print Name) (Print Title)

accept the conditions set forth in this communication.

DocuSigned by:
Ron Fedrick
B99665EE6E974F6... (Signature)

Date: 8/22/2023





CITY OF
AMERICAN
CANYON

PUBLIC WORKS DEPARTMENT

4381 BROADWAY, SUITE 201
AMERICAN CANYON, CA 94503

WATER SUPPLY REPORT

FOR

Nova Business Park North

Devlin Road, Napa, CA 94558
Napa County Assessor's Parcel Number
057-170-023, -024, -025; 057-120-030, -031, -036

Prepared by:

Edison Bisnar
Development Services Engineer

Approved by:

DocuSigned by:

Erica Ahmann Smithies

8/22/2023

A02D878043A74E7...
Erica Ahmann Smithies, PE
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 Devlin Road (Assessor's Parcel Number: 057-170-023, -024, -025; 057-120-030, -031, -036) comprising of 13 lots with total area of approximately 82.51 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 for the development of the 82.51-acre property into 13 lots. These lots will have warehouses in the future. Entitlements required include an approved Tentative Map from Napa County (P22-00093) and Will-Serve Letters from the City of American Canyon (for potable water service – domestic and fire service) and Napa Sanitation District (for sewer)².

The project incorporates the following water conservation best management practices:

- Dual plumb the buildings to receive recycled water for toilet flushing
- Waterless urinals (optional)
- Motion-sensor faucets
- 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
- Installation of an ET Smart irrigation controller
- Use recycled water for landscape irrigation
- 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 As defined by Napa County Local Agency Formation Commission Policy 07-27.

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

1.4 – Will-Serve Application

A Will-Serve Application dated April 17, 2023, was submitted on behalf of the Owner, Ronald M. Fedrick. The application submitted details the anticipated and existing water demands for the Site. Staff has reviewed the provided application and finds the estimate to be consistent with industry standards for similar uses. Lot 11 is an existing facility and is currently served by the City of American Canyon for its water demand. Lot 11 is excluded in the Will-Serve Application.

1.5 – Average Day Demand (ADD)

As Table 1 below shows, the requested Annual Average Daily Demand (AADD) is 22,868 gallons per day (gpd). Irrigation will be supplied with recycled water.

Table 1 – Requested Average Day Demand						
Annual Average Daily Water Demand (AADD)						
Lot	Bldg. Area (sf)	Lot Area (ac)	Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
1	81,056	5.64	379	1,454	0	1,833
2	45,173	3.14	244	777	0	1,021
3	48,692	3.39	258	844	0	1,102
4	31,678	2.20	194	521	0	715
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8	94,878	6.60	431	1,714	0	2,145
9	111,621	7.77	493	2,032	0	2,525
10	81,280	5.65	380	1,456	0	1,836
11	N/A	12.15	N/A	N/A	N/A	N/A
12	153,954	10.71	653	2,828	0	3,481
13	139,399	9.70	597	2,555	0	3,152
	Total	82.51	4,694	18,174	Total	22,868

1.6 - Maximum Day Demand (MDD)

As Table 2 details the requested Maximum Daily Demand (MDD) is 45,733 gallons per day (gpd). Irrigation will be supplied with recycled water.

Table 2 – Requested Maximum Day Demand						
Maximum Daily Water Demand (MDD)						
Lot	Bldg. Area (sf)	Lot Area (ac)	Domestic (gpd)	Industrial (gpd)	Irrigation (gpd)	Total (gpd)
1	81,056	5.64	758	2,908	0	3,666
2	45,173	3.14	487	1,554	0	2,041
3	48,692	3.39	515	1,688	0	2,203
4	31,678	2.2	388	1,042	0	1,430
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9	111,621	7.77	987	4,063	0	5,050
10	81,280	5.65	760	2,913	0	3,673
11	N/A	12.15	N/A	N/A	N/A	N/A
12	153,954	10.71	1,306	5,656	0	6,962
13	139,399	9.70	1,195	5,108	0	6,303
	Total	82.51	9,386	36,347	Total	45,733

SECTION 2.0 - PROJECT WATER FOOTPRINT

2.1 – Project Demand Consistency with UWMP and ACMC 13.10

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

Property's estimated ADD (650 gpd per acre) equals the maximum allowed by the ACMC 13.10 (650 gpd per acre):

Table 3 – Maximum ADD			
Parcel Size (acres)	UWMP (gpd/acre)	ACMC 13.10 (gpd/acre)	Property ADD (gpd/acre)
70.36	675	650	650

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 (22,867 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

\$211,089.23³ 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 22,867 gpd, thereby offsetting the Property's new ADD.

2.5 - Project Impact on Reliability & Rates

The City's water treatment, delivery and storage system is reliable to serve demands of existing development that existed at the time of ZWF Policy implementation in 2007. New or increased demands to the City's system after the implementation of the ZWF Policy are determined to potentially have a negative impact on the City's water system reliability which could result in an increase in water rates of existing customers. By facilitating the replacement of inefficient plumbing fixtures through the monetary contribution to the City's ZWF Mitigation Fund, the Property has offset its new demand and thus, it is reasonable to conclude that it will have no impact on reliability or rates.

2.6 – Short-term mitigations

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

2.7 – Long-term mitigations

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

³ Calculation: 22,868 gpd/65 gpd x \$600 = \$211,089.23

⁴ ACMC §13.14.070

SECTION 3.0 – CAPACITY FEES AND SERVICE CHARGES

3.1 - Capacity Fee

Based on the American Canyon Water Capacity Fee Ordinance⁵, the Project shall pay a Water Capacity Fee is \$1,500,499.73. This amount one-time fee is based on the rate of \$32.81 per gallon x MDD (45,733 gpd).

3.2 – Service Charge

The Property is located outside the City’s corporate boundary but within the City’s Extraterritorial Water Service Area as defined by LAFCO. Based on the American Canyon Water Capacity Fee Ordinance⁶, the Property shall accrue a monthly service charge in the amount of \$7.72/100 cubic feet (in effect at the time of service and are subject to change), plus monthly meter fees.

3.3 - Reimbursable Improvements

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

SECTION 4.0 - VINEYARDS ANALYSIS

4.1 – Vineyards Decision

The California Supreme Court decision “*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova and Sunrise Douglas Property Owners Association, et al.*” sets forth guidelines for evaluating the water supply of a project under the California Environmental Quality Act (CEQA). It requires that water supplies not be illusory or intangible, that water supply over the entire length of the project be evaluated, and that environmental impacts of likely future water sources, as well as alternate sources, be summarized.

4.2 - Facts with Respect to Existing Water Supply and Demand

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

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

⁵ ACMC §13.06.090

⁶ ACMC §13.06.040

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 UMWP determined adequate supplies exist for all planning horizons and supply scenarios, except for the "2030 single-dry scenario".

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

4.3 – Anticipated Water Supplies over the Life of the Project

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

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

4.4 – Environmental Impacts of Likely Future Water Sources

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

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

Lastly, the City Council adopted a Mitigated Negative Declaration in November 2003 in conjunction with the adoption of the Recycled Water Facilities Plan. That plan identifies a series of projects which in conjunction with the water conservation program will reduce potable water demands throughout its Water Service Area. Impacts caused by implementation 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

Nova Warehouse

**Devlin Road, Napa CA 94558
(057-170-023, -024, -025; 057-120-030, -031, -036)**

I, Ron Fedrick, acknowledge and accept
the water supply analysis as set forth in this Water Supply Report
dated 8/22/2023.

DocuSigned by:
Ron Fedrick
B99665EE6E974F6...
(Signature)

Date: 8/22/2023



April 4, 2023

Conservation, Development and Planning Department – County of Napa
1195 Third Street, Room 210
Napa, CA 94559

SUBJECT: APNs 057-170-023, 057-170-024, 057-170-025, 057-170-026, 057-170-030, 057-170-031, 057-170-036 – Nova Business Park North
NapaSan Conditional Will Serve #104

To Whom It May Concern:

The Napa Sanitation District has received a request to provide a "Conditional Will Serve" letter for a proposed 12 building business park located on the subject parcels. One of the subject parcels (APN 057-170-024) is currently outside NapaSan's sanitary sewer service boundary.

NapaSan will provide sanitary sewer service to these parcels if annexation is approved to include the parcel (APN 057-170-024) within NapaSan's boundary.

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. Satisfy NapaSan's Conditions of Annexation for the project. Conditions of Annexation will be established in the future during review of the project's annexation application and approved by the NapaSan Board of Directors.
3. Pay the appropriate capacity and development fees. The facility shall be subject to all applicable rules and regulations of NapaSan.

These parcels are within NapaSan's recycled water infill area. The project shall use recycled water for landscape irrigation. The landscape irrigation system shall be designed per NapaSan recycled water standards.

This "Conditional Will Serve" letter for sanitary sewer and recycled water service 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 "Conditional 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
Assistant Engineer

NapaSan
1515 Soscol Ferry Road
Napa, CA 94558

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

www.napasan.com



May 10, 2023

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

SUBJECT: 22-00093 Nova Business Park North TM, REFRL-001330, CAB Consulting Engineers, PO Box 140 (Trippi)

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

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

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

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

1. A plan showing the required sanitary sewer and recycled water improvements, conforming to NapaSan standards, shall be prepared by a registered civil engineer and shall be submitted to NapaSan for approval prior to issuance of permits.
2. The location of the proposed public sewer main shall be at the discretion of NapaSan and shall be constructed in a location that does not interfere with current or planned future operations.
3. The sanitary sewer service to the property shall be designed as a gravity system to the extent feasible, and shall consider the potential for upstream and downstream development(s). Design and installation of public sewer mains and dedication of appropriate public sanitary sewer easements may be required. Contact NapaSan for additional information.
4. This project may increase projected sewer flows at a greater intensity than what was evaluated in NapaSan's 2021 Collection System Master Plan. NapaSan may require the project to comply with the requirements of NapaSan Board Resolution 21-006 for wet weather flow mitigation. Contact NapaSan for additional information.



5. The proposed sanitary sewer main shall be installed with a minimum clearance of 8 feet from the face of curb, 10 feet from trees, 10 feet from water mains, 5 feet from other utilities, and 5 feet from bioretention areas.
6. If any of the proposed sewer or recycled water systems will be privately owned and maintained, the appropriate language shall be included in the CC&R's regarding maintenance of the sanitary sewer lateral serving the building. A draft set shall be submitted to NapaSan for review.
7. Any private sewer facilities proposed to serve multiple parcels shall be designed to meet NapaSan's standards for private sewer mains. The owner shall enter into an agreement with NapaSan that outlines the maintenance responsibilities of the private sanitary sewer mains.
8. 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.
9. Discharge lines from the elevator sump pits shall not be connected to the sanitary sewer system.
10. 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.
11. During maintenance of NapaSan's facilities, business and emergency access through the proposed parking lot(s) may be impacted. The owner/developer shall coordinate with the Fire Department regarding permanent fire access routes.
12. A grease interceptor will be required for any restaurant or food service types of use.
13. The owner/developer shall enter into an improvement agreement with NapaSan and post the appropriate bonds covering the sanitary sewer work.



14. All specialty hardscape/landscape features proposed within the existing sanitary sewer easements shall be subject to approval by NapaSan. If approved, the owner shall enter into an indemnification agreement with NapaSan that places the expense for removal and/or replacement of the features on the owner.
15. Sanitary sewer facilities are required to have a minimum of 36" of cover at all points within the public right of way. The proposed sanitary sewer facilities shall be designed to meet this requirement.
16. Recycled water facilities are required to have a minimum of 48" of cover at all points within paved areas. The proposed recycled water facilities shall be designed to meet this requirement.
17. Floor drains are not allowed in the building except in the restroom and food service areas.
18. The owner shall obtain a demolition permit from NapaSan prior to removal of existing buildings or abandonment of sewer mains. Demolition credits shall be valid for a period of two years from the date the demolition permit is issued. As part of the demolition process, NapaSan will perform a video inspection of the existing public lateral. If the lateral passes video inspection as determined by the District, then the lateral may be reused. If it fails inspection, the owner will be required to hire a Class A licensed contractor to install a new public lateral at the owner's expense. Existing sewer mains shall be abandoned per NapaSan standards.
19. Some of the subject parcels are currently outside of the boundaries of NapaSan. Annexation of the appropriate subject parcels will be required.
20. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:
 - a. Agreement Fees
 - b. Annexation Fees
 - c. Demolition Fees
 - d. Plan Check Fees
 - e. Inspection Fees
 - f. Capacity Charges for commercial space (based on use and square footage. Outdoor dining and event space are included in the square footage)
 - g. Capacity Charges for process waste (calculated per Section 5.02.030.B of NapaSan Code. Contact NapaSan for additional information).
21. All of the subject parcels shall use recycled water for landscape irrigation. The recycled water system shall extend to the far property lines.



22. If buildings are required to use recycled water for toilet flushing, then a water storage tank will be required outside the building.
23. If private street areas contain public sewer or recycled water facilities then they shall be dedicated to NapaSan as a sanitary sewer and recycled water easement.
24. Any public sanitary sewer or recycled water facilities to be installed on private property shall be centered within 20-foot wide sanitary sewer or recycled water easement. No trees or other permanent structures will be allowed within the easement areas. All weather access drives and turnaround areas shall be provided to sanitary sewer structures and recycled water appurtenances located within easements. If sewer and recycled water facilities are located within the same easement then it shall be at least 30 feet wide.
25. Each parcel shall be served by a separate sanitary sewer lateral.
26. Should there be a drain in the trash enclosure, it shall be connected to the grease interceptor serving the building and the trash enclosure shall meet NapaSan standards. Contact NapaSan for more information.
27. NapaSan has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at NapaSan's website (www.NapaSan.com). NapaSan may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.

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

Sincerely,

A handwritten signature in black ink that reads "Gavin Glascott".

Gavin Glascott
Assistant Engineer

EXHIBIT A

Jointly Requested Supplements to the Application and Additional Conditions of Approval P22-00093-TM

NOVA BUSINESS PARK LLC (NOVA} and WATER AUDIT CALIFORNIA ("Water Audit") jointly request that the approval of the Tentative Map to include the following exhibits as additional or replacement attachments to the Application and proposed Additional Conditions of Approval:

1. Additional Condition of Approval: Prior to issuance of any County permits, NOVA or its assignee in interest shall obtain a U.S. Army Corps 404 permit for the project and a Corps approved delineation, either separately or as part of the 404 permits for the Property.
2. Additional Condition of Approval: 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* and prepare a report documenting the survey results;
(See: <https://nrm.dfg.ca.gov/FileHandler.ashx?Document1D=83990&inline>)
3. Additional Condition of Approval: 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;

4. Additional Condition of Approval: 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 non-breeding 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;
5. Additional Condition of Approval: If the Project would impact an occupied burrow where a non-nesting owl would be evicted as described below, the following habitat mitigation shall be implemented prior to Project construction.

Impacts to each non-nesting (i.e., wintering) burrowing owl site shall be mitigated by permanent preservation of one burrowing owl occupied non-nesting (i.e., wintering) sites with appropriate foraging habitat within the County, unless otherwise approved by CDFW, through a conservation easement and implementing and funding a long-term management plan in perpetuity.

The Project may implement alternative methods for preserving habitat with written acceptance from CDFW.

As stated in CDFW's comment letter dated December 20, 20223, CDFW's position is that exclusion of burrowing owls (i.e., passive removal of an owl from its burrow or other

shelter) shall not be deemed a "take" avoidance, minimization, or mitigation measure for the reasons outlined below. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of excluded owls is unknown. Burrowing owls are dependent on burrows at all times of the year for survival or reproduction, therefore eviction from nesting, roosting, overwintering, and satellite burrows or other sheltering features may lead to indirect impacts or "take" which is prohibited under Fish and Game Code section 3503.5. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented to avoid "take." Habitat compensation shall be provided for any evicted owl as described above and the Project shall obtain CDFW's written acceptance of the eviction plan;

6. Additional Condition of Approval: To prevent burrowing owls from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than two inches in diameter stored at the Project site shall be capped or covered before the end of each work day and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.