



Local Agency Formation Commission of Napa County
Subdivision of the State of California

1030 Seminary Street, Suite B
Napa, California 94559
Phone: (707) 259-8645
Fax: (707) 251-1053
www.napa.lafco.ca.gov

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7a (Action)

TO: Local Agency Formation Commission
PREPARED BY: Brendon Freeman, Executive Officer
Dawn Mittleman Longoria, Analyst II
MEETING DATE: October 7, 2019
SUBJECT: Proposed Devlin Road No. 4 Annexation to the Napa Sanitation District and Associated CEQA Findings

RECOMMENDATION

Adopt the Resolution of the Local Agency Formation Commission of Napa County Making Determinations – Devlin Road No. 4 Annexation to the Napa Sanitation District (NSD) making California Environmental Quality Act (CEQA) findings and approving the proposed annexation as modified to include the adjacent portion of public right-of-way (Attachment One). Standard conditions are also recommended.

BACKGROUND AND SUMMARY

Applicant: Nova Business Park, LLC (landowner petition)
Proposed Action: Annexation to NSD
APNs: 057-170-008 and 057-170-019
Location: West of Devlin Road, south of Soscol Ferry Road (no situs addresses)
Area Size: 45.1 acres
Jurisdiction: Unincorporated County
Sphere of Influence Consistency: Yes
Policy Consistency: Yes
Tax Sharing Agreement: Yes – master tax exchange agreement
Landowner Consent: 100%
Protest Proceedings: Waived
CEQA: Napa Valley Business Park Specific Plan & EIR, Nova Wine Warehouse Initial Study, Mitigated Negative Declaration, & Mitigation Monitoring & Reporting Program
Current Land Uses: Undeveloped

The purpose of the proposal is to annex the property to NSD to facilitate the development of the “Nova Wine Warehouse” project consistent with the County of Napa’s land use approval. The project involves construction of an approximately 400,500 square foot building with a 391,934 square foot warehouse, 8,566 square feet of office space, and parking spaces for 241 vehicles and 22 trucks/trailers. Annexation to NSD is a condition of the County’s approval. The application materials are included as Attachment Two.

Kenneth Leary, Vice Chair
Councilmember, City of American Canyon

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Gregory Rodeno, Chair
Representative of the General Public

Margie Mohler, Commissioner
Councilmember, Town of Yountville

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Eve Kahn, Alternate Commissioner
Representative of the General Public

Scott Sedgley, Alternate Commissioner
Councilmember, City of Napa

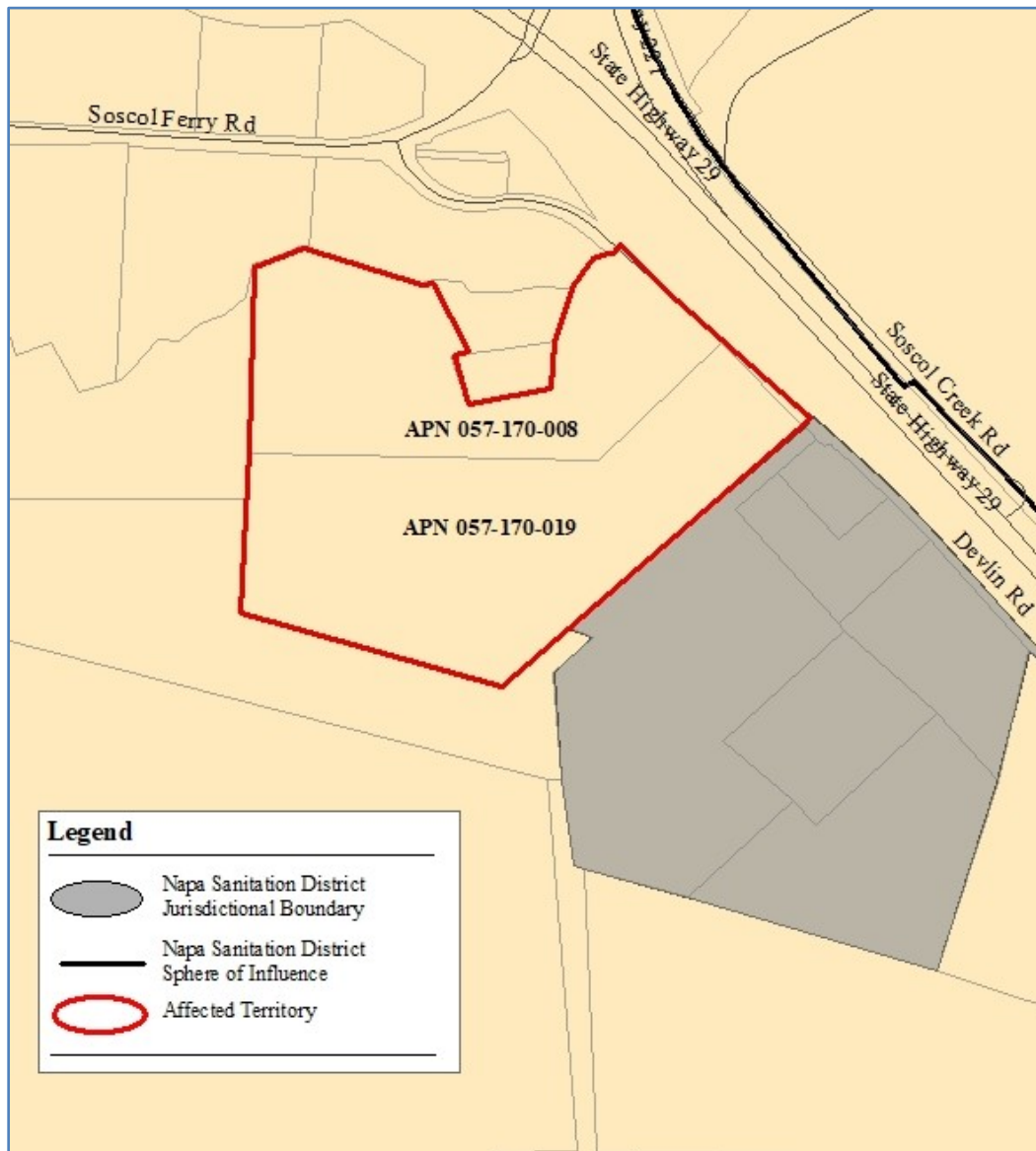
Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brendon Freeman
Executive Officer

Proposal Modification

It is recommended the Commission modify the annexation boundary to include approximately 0.3 acres of additional territory representing the portion of public right-of-way immediately adjacent to the affected territory on Devlin Road. Inclusion of the right-of-way would be consistent with previous Commission actions to ensure the physical location of NSD's public sewer infrastructure is within NSD's jurisdiction.¹

An aerial map of the affected territory with the recommended modification is included as Attachment Three and a vicinity map is provided below.



¹ The recommended addition of the public right-of-way portion of Devlin Road would not trigger noticed public hearing requirements or protest proceedings. Public agencies are not defined as landowners under LAFCO law when the subject land involves highways, rights-of-way, easements, waterways, or canals under G.C. Section 56048(c).

DISCUSSION

Factors for Commission Determinations

See Attachment Four for an evaluation of the mandated factors for Commission determinations.

Property Tax Agreement

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a change of organization. This statute states jurisdictional changes affecting the service areas or service responsibilities of districts must be accompanied by a property tax exchange agreement, which shall be negotiated by the affected county on behalf of the districts. In 1980, the County of Napa adopted a resolution on behalf of NSD specifying no adjustment in the allocation of property taxes shall result from annexations involving the District. This resolution has been applied to all subsequent annexations involving NSD. In processing this proposal, staff provided notice to the affected agencies that the Commission would again apply this resolution unless otherwise informed. No affected agency responded with any concerns to the approach outlined by staff.

Protest Proceedings

Protest proceedings shall be waived in accordance with G.C. Section 56662(a) given that the affected territory is legally uninhabited, all landowners have provided their written consent, and no written opposition to a waiver of protest proceedings has been received by any agency. This statement applies to the proposal with or without the recommended modification given that public rights-of-way are not defined as having landowners under LAFCO law.

ENVIRONMENTAL REVIEW

The Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The County of Napa, as Lead Agency, has prepared an Initial Study and adopted a Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program for the Nova Wine Warehouse project for purposes of considering and mitigating environmental impacts. The Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program are included as Attachment Five.

Staff has evaluated the proposal and considered the Lead Agency's CEQA documents and finds the County's Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program for the Nova Wine Warehouse adequately address the potential environmental effects of the proposal and adequately mitigate any potential impacts pursuant to the Mitigation Monitoring and Reporting Program. Therefore, no new environmental document is required.

ATTACHMENTS

- 1) Draft Resolution Approving the Proposal with Recommended Modification and Making CEQA Findings
- 2) Application Materials
- 3) Aerial Map of Affected Territory
- 4) Factors for Commission Determinations
- 5) Nova Wine Warehouse Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program

RESOLUTION NO. ____

**RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MAKING DETERMINATIONS**

**DEVLIN ROAD NO. 4
ANNEXATION TO THE NAPA SANITATION DISTRICT**

WHEREAS, an application for a proposed annexation has been filed with the Local Agency Formation Commission of Napa County, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to annex approximately 44.8 acres of unincorporated land to the Napa Sanitation District and represents two entire parcels with no situs addresses located West of Devlin Road and south of Soscol Ferry Road, and identified by the County of Napa Assessor’s Office as 057-170-008 and 057-170-019; and

WHEREAS, the Commission’s Executive Officer recommends modifying the proposal to include an additional 0.3 acres of unincorporated land representing the adjacent portion of public right-of-way on Devlin Road; and

WHEREAS, the Commission’s Executive Officer has reviewed the modified proposal and prepared a report with recommendations; and

WHEREAS, the Executive Officer’s report and recommendations on the modified proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on the proposal on October 7, 2019; and

WHEREAS, the Commission considered all the factors required by law under Government Code Sections 56668 and 56668.3 as well as adopted local policies and procedures; and

WHEREAS, the Commission finds the modified proposal consistent with the sphere of influence established for the Napa Sanitation District; and

WHEREAS, the Commission finds that all owners of land included in said modified proposal consent to the subject annexation; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as Responsible Agency for the annexation pursuant to CEQA Guidelines Section 15051(b)(2). The County of Napa, as Lead Agency, has prepared an Initial Study and on May 1, 2019, adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Nova Wine Warehouse project for purposes of considering and mitigating environmental impacts; and

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

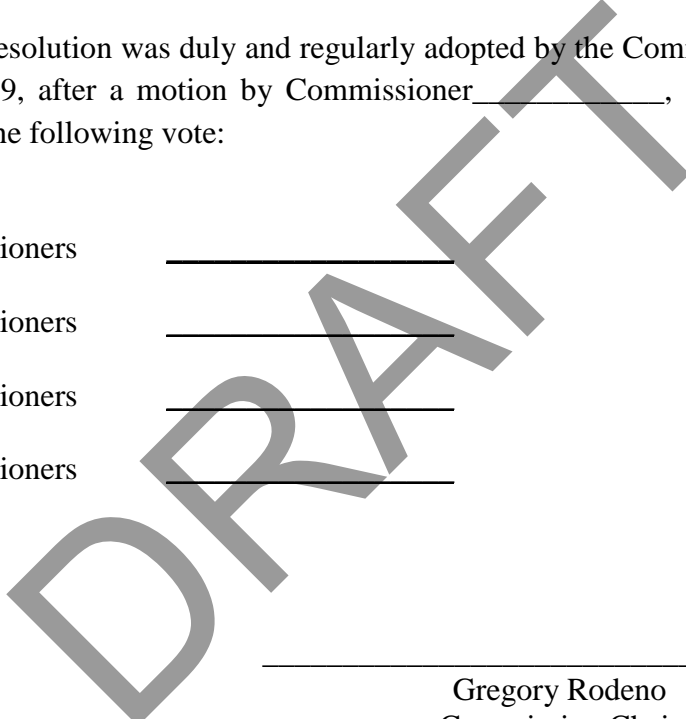
1. The Factors for Commission Determinations provided in the Executive Officer’s written report are hereby incorporated herein by this reference and are adequate.
2. The Commission serves as a Responsible Agency for the proposal pursuant to CEQA and has reviewed and considered information contained in the County of Napa’s Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program for the Nova Wine Warehouse project, and finds that there are no additional direct or indirect environmental effects that would result from the Commission’s approval of the proposal; and therefore, no additional mitigation measures are required by the County of Napa.
3. The Commission hereby adopts the Mitigation Monitoring and Reporting Program for the Nova Wine Warehouse project which was previously approved by the County of Napa.
4. The proposal is APPROVED with the following modification:
 - a) The affected territory is expanded to include approximately 0.3 acres of unincorporated land representing the adjacent portion of public right-of-way on Devlin Road.
5. This proposal is assigned the following distinctive short-term designation:

DEVLIN ROAD NO. 4
ANNEXATION TO THE NAPA SANITATION DISTRICT
5. The affected territory is shown on the map and described in the geographic description in the attached Exhibit “A”.
6. The affected territory so described is uninhabited as defined in California Government Code Section 56046.
7. The Napa Sanitation District utilizes the regular assessment roll of the County of Napa.
8. The affected territory will be taxed for existing general bonded indebtedness of the Napa Sanitation District.
9. The proposal shall be subject to the terms and conditions of the Napa Sanitation District.
10. The Commission authorizes conducting authority proceedings to be waived in accordance with California Government Code Section 56662(a).

11. Recordation is contingent upon receipt by the Executive Officer of the following:
 - (a) A final map and geographic description of the affected territory determined by the County Surveyor to conform to the requirements of the State Board of Equalization.
 - (b) Written confirmation by the Napa Sanitation District that its terms and conditions have been satisfied.
12. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.
13. The Commission hereby directs staff to file a Notice of Determination in compliance with CEQA.

The foregoing Resolution was duly and regularly adopted by the Commission at a regular meeting held on October 7, 2019, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____
 NOES: Commissioners _____
 ABSENT: Commissioners _____
 ABSTAIN: Commissioners _____



 Gregory Rodeno
 Commission Chair



ATTEST: _____
 Brendon Freeman
 Executive Officer

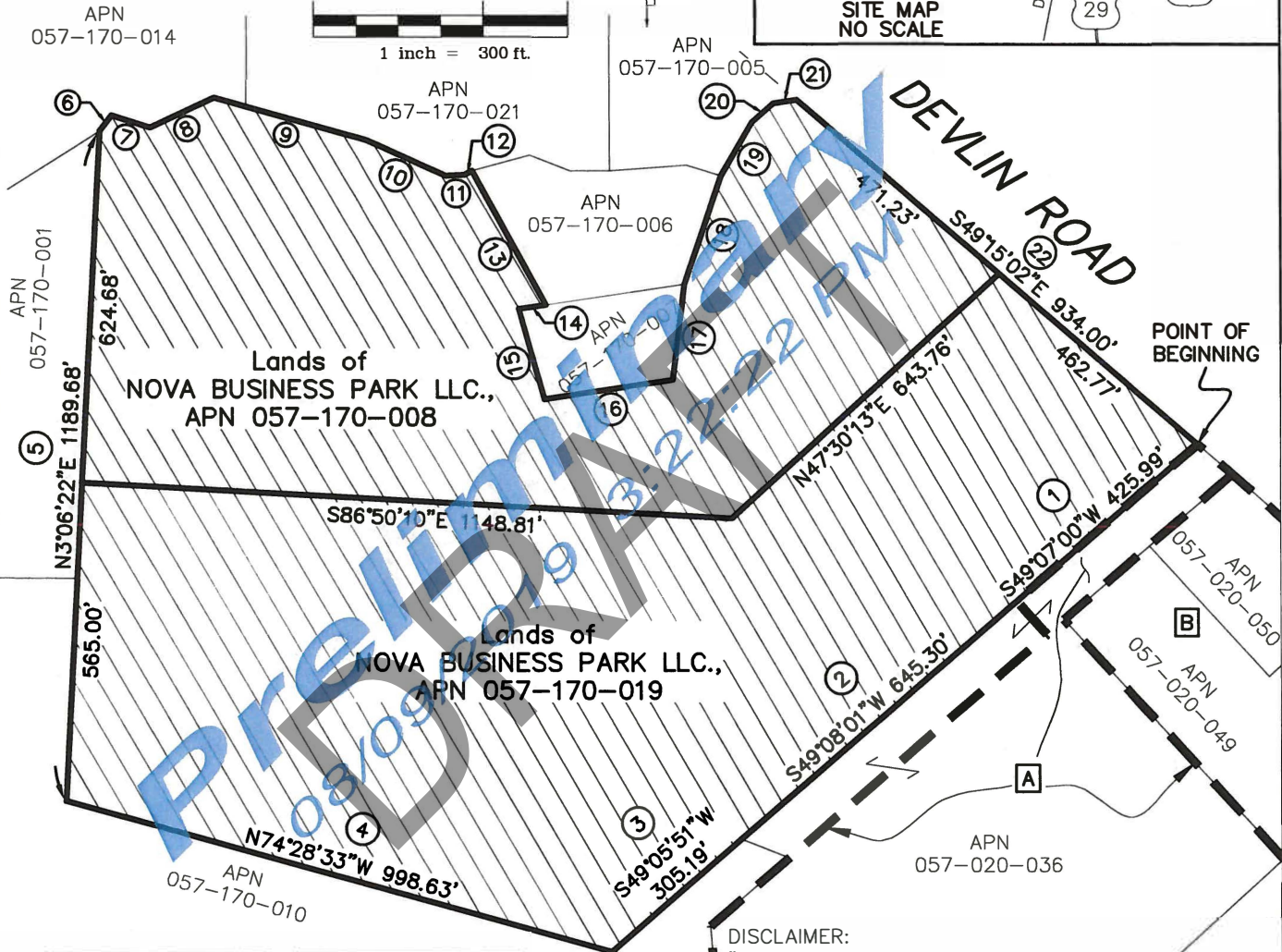
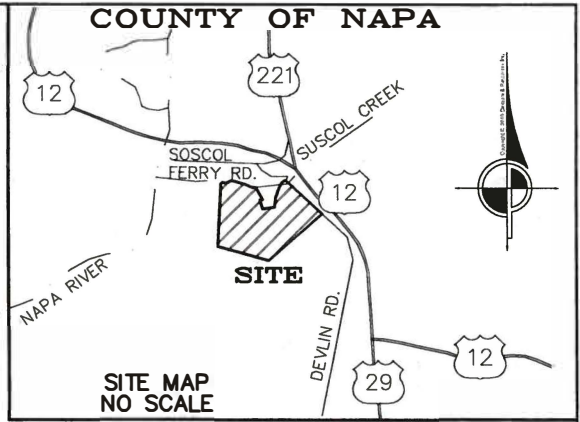
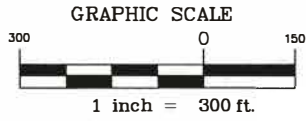
Recorded by: Kathy Mabry
 Commission Secretary

ANNEXATION DISTRICTS

- A** DEVLIN ROAD ANNEXATION, 1983-8
(NSD RESOLUTION 6350)
- B** DEVLIN ROAD #2 DISTRICT ANNEXATION 1986-10
(NSD RESOLUTION 6868)

LEGEND

-  EXISTING NSD BOUNDARY
-  PROPOSED NSD ANNEXATION (±44.84 ACRES)



LINE TABLE		
#	Direction	Length
6	N38°42'43"E	34.24'
7	S72°11'52"E	70.89'
8	N64°49'44"E	124.85'
9	S74°24'19"E	279.09'
10	S65°32'00"E	152.06'
11	N87°30'07"E	33.13'
12	N61°38'48"E	15.77'
13	S28°35'47"E	269.97'
14	S81°33'13"W	48.63'
15	S15°51'16"E	166.38'

LINE TABLE		
#	Direction	Length
16	N81°33'13"E	230.41'
17	N7°03'01"E	171.22'
18	N18°46'13"E	202.27'
19	N30°13'18"E	110.32'
20	N48°51'03"E	49.93'
21	N80°17'46"E	41.68'

DISCLAIMER:
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE AREA DESCRIBED."

CINQUINI & PASSARINO, INC.
LAND SURVEYING

1804 Soscol Avenue, Suite 202
Napa, CA. 94559
Phone: (707) 690-9025
Fax: (707) 542-2106
WWW.CINQUINIPASSARINO.COM

APN's 057-170-008 & 057-170-019	DRAWN BY: DCS	CHECKED BY: JMD
DEVLIN ROAD NO. ___ DISTRICT ANNEXATION TO NAPA SANITATION DISTRICT	SCALE: 1" = 300'	DATE: 8/12/2019
	JOB #: 8316-18 P	

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Exhibit "A"**GEOGRAPHIC DESCRIPTION****DEVLIN ROAD No. 4, ANNEXATION TO NAPA SANITATION DISTRICT**

APN's 057-170-008 & 019

All that certain real property, situate in portion of Section 35, Township 5 North, Range 4 West, Mount Diablo Base and Meridian, in the County of Napa, State of California, being more particularly described as follows:

BEGINNING at a point on the southwestern line of Devlin Road, said point also being the most northerly corner of the Devlin Road Annexation, 1983-8, Resolution No. 6350, dated July 31, 1984;

Thence, (1) along the northwestern boundary of said Devlin Road Annexation (1983-8) South 49°07'00" West 425.99 feet (shown as South 49°05'55" West 426.07 feet in said District Annexation Legal description);

Thence, leaving said northwestern boundary the following 4 (four) courses and distances:

- (2) South 49°08'01" West 645.30 feet;
- (3) South 49°05'51" West 305.19 feet;
- (4) North 74°28'33" West 998.63 feet;
- (5) North 03°06'22" East 1189.68 feet to a point in the center of Suscol Creek;

Thence, along said center of Suscol Creek the following 7 (seven) courses and distances:

- (6) North 38°42'43" East 34.24 feet;
- (7) South 72°11'52" East 70.89 feet;
- (8) North 64°49'44" East 124.85 feet;
- (9) South 74°24'19" East 279.09 feet;
- (10) South 65°32'00" East 152.06 feet;
- (11) North 87°30'07" East 33.13 feet;
- (12) North 61°38'48" East 15.77 feet;

Thence, leaving said center of Suscol Creek the following 6 (six) courses and distances:

Exhibit "A"

(13) South 28°35'47" East 269.97 feet;

(14) South 81°33'13" West 48.63 feet;

(15) South 15°51'16" East 166.38 feet;

(16) North 81°33'13" East 230.41 feet;

(17) North 07°03'01" East 171.22 feet;

(18) North 18°46'13" East 202.27 feet to a point in the center of Suscol Creek;

Thence, along said center of Suscol Creek the following 3 (three) courses and distances:

(19) North 30°13'18" East 110.32 feet;

(20) North 48°51'03" East 49.93 feet;

(21) North 80°17'46" East 41.68 feet to a point on the southwestern line of Devlin Road;

Thence, (22) along said southwestern line South 49°15'02" East 934.00 feet to the **POINT OF BEGINNING.**

Containing 44.84 acres of land more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Prepared by Cinquini & Passarino, Inc.

Davit C. Sulam, PLS 8224

Date

FORM B

Date Filed:

8/22/19

Received By:

BF

PETITION FOR PROPOSAL

For Filing with the Local Agency Formation Commission of Napa County

A proposal for a change of organization made by a landowner or registered voter shall be initiated by petition. The petition shall state the nature of the proposal and all associated proposed changes of organization. It shall also state the reason for the proposal and enumerate and include supporting information as required under Government Code Section 56700. The petition must be submitted to the Executive Officer for filing within 60 days after the last signature is affixed. Applicants are encouraged to use this form.

Nature of Proposal and All Associated Changes of Organization:

Nature of proposal is annexation of approximately 45 acres of industrial park zoned land to Napa Sanitation District.

Description of Boundaries of Affected Territory Accompanied by Map:

Description of boundary is all land within Napa County assessors parcels APN 057-170-008/019 which lie south and west of the Devlin Road centerline approximately 1/4 mile southeast of the Devlin and Soscol Ferry Road intersection.

Reason for Proposal and Any Proposed Conditions:

Proposal supports development of the approved "Nova Wine Warehouse" project, a proposed 400,000 square foot cold storage facility. The proposed condition is connection to the Napa Sanitation District sewer line.

Type of Petition:

Landowner



Registered Voter

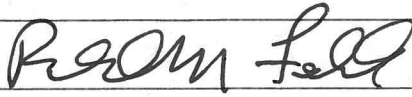
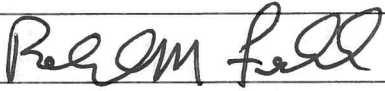
Sphere of Influence Consistency:

Yes



No

If Landowner Petition, Complete the Following:

- 1) Name: Nova Business Park LLC (Ron Fedrick)
Mailing Address: 185 Devlin Road, Box 4050, Napa, CA 94558
Assessor Parcel: APN 057-170-008
Signature:  Date: 8/22/2019
- 2) Name: Nova Business Park, LLC (Ron Fedrick)
Mailing Address: 185 Devlin Road, Box 4050, Napa, CA 94558
Assessor Parcel: APN 057-170-019
Signature:  Date: 8/22/2019
- 3) Name: _____
Mailing Address: _____
Assessor Parcel: _____
Signature: _____ Date: _____

If Registered Voter Petition, Complete the Following:

- 1) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 2) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____
- 3) Name: _____
Mailing Address: _____
Resident Address: _____
Signature: _____ Date: _____

FORM D

Date Filed:

8/22/19

Received By:

BF

JUSTIFICATION OF PROPOSAL
Change of Organization/Reorganization

I. APPLICANT INFORMATION

A. Name:	Ron Fedrick	Nova Business Park LLC
	Contact Person	Agency/Business (If Applicable)
Address:	185 Devlin Road, Box 4050,	Napa, CA 94558
	Street Number Street Name	City Zip Code
Contact:	707.253.1990	rfedrick@novabpllc.com
	Phone Number Facsimile Number	E-Mail Address

B. Applicant Type: (Check One) Local Agency Registered Voter Landowner

II. PROPOSAL DESCRIPTION

A. Affected Agencies: Napa Sanitation District, C/O Andrew Damron, 1515 Soscol Ferry Rd, Napa CA 94558

Name	Address
Name	Address
Name	Address

Use Additional Sheets as Needed

B. Proposal Type: (Check as Needed)

<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Detachment	<input type="checkbox"/> City Incorporation	<input type="checkbox"/> District Formation
<input type="checkbox"/> City/District Dissolution	<input type="checkbox"/> City/District Merger	<input type="checkbox"/> Service Activation (District Only)	<input type="checkbox"/> Service Divestiture (District Only)

C. Purpose Statement: (Specific) Purpose of annexation is to support development of "Nova Wine Warehouse" project by connecting sewer service to Napa Sanitation District sewer lines.

III. GENERAL INFORMATION

A. Location:	Devlin Road	APN 057-170-008	17.91
	Street Address	Assessor Parcel Number	Acres
	Devlin Road	APN 057-170-019	26.93
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
	Street Address	Assessor Parcel Number	Acres
		Total Location Size (Including Right-of-Ways)	44.84

B. Landowners:

- (1) Assessor Parcel Number : 057-170-008 Name: Nova Business Park LLC
 Mailing Address: 185 Devlin Road, Box 4050, Napa CA 94558
 Phone Number: 707.253.1990 E-mail: rfedrick@novabpllc.com
- (2) Assessor Parcel Number : 057-170-019 Name: _____
 Mailing Address: 185 Devlin Road, Box 4050, Napa, CA 94558
 Phone Number: _____ E-mail: _____
- (3) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____
- (4) Assessor Parcel Number : _____ Name: _____
 Mailing Address: _____
 Phone Number: _____ E-mail: _____

Use Additional Sheets As Needed

C. Population:

- (1) Total Number of Residents: 0
- (2) Total Number of Registered Voters: 0

D. Land Use Factors:

(1a) County General Plan Designation:	Industrial
(1b) County Zoning Standard:	Industrial Park:Airport Compatibility
(2a) Applicable City General Plan Designation:	NA
(2b) Applicable City Rezoning Standard:	NA

E. Existing Land Uses: Vacant
(Specific)

F. Development Plans:

(1a) Territory Subject to a Development Project? Yes No

(1b) If Yes, Describe Project:
Project is development of 400,000 sf cold storage warehouse.

(1c) If No, When Is Development Anticipated?
NA

G. Physical Characteristics:

(1) Describe Topography:
Topography is slightly sloped terrain at approximately 2% from the northeast to southwest.

(2) Describe Any Natural Boundaries:
The natural boundary on the north and west property line is Suscol Creek.

(3) Describe Soil Composition and Any Drainage Basins:
Soils are primarily gravelly clay loam. Site drains southwest eventually to Napa River.

(4) Describe Vegetation:
Vegetation is annual grasses.

H. Williamson Act Contracts
(Check One)

Yes

No

IV. GOVERNMENTAL SERVICES AND CONTROLS

A. Plan For Providing Services:

- (1) Enumerate and Describe Services to Be Provided to the Affected Territory:
Approximately 580 feet of sanitary sewer are proposed for the project.

- (2) Level and Range of Services to Be Provided to the Affected Territory:
Standard commercial service (8" gravity sewer main) is proposed to within 300 feet (existing) of site. Owner will provide approximately 580 feet of pressurized sewer to gravity connection point. See attached preliminary utility plan prepared for use permit.

- (3) Indication of When Services Can Feasibly Be Extended to the Affected Territory:
Services can feasibly be extended following easement agreement with APN 057-020-036, expected by December 2019.

- (4) Indication of Any Infrastructure Improvements Necessary to Extend Services to the Affected Territory:
Infrastructure to be approximately 580 feet of pressurized sanitary sewer from APN 057-170-019 to APN 057-020-036.

- (5) Information On How Services to the Affected Territory Will Be Financed:
Owner will finance installation and maintenance of pressurized system to existing NSD gravity sewer.

Use Additional Sheets As Needed

V. ENVIRONMENTAL INFORMATION

A. Environmental Analysis

- (1) **Lead Agency for Proposal:** Napa County
Name
- (2) **Type of Environmental Document Previously Prepared for Proposal:**
- Environmental Impact Report
- Negative Declaration/Mitigated Negative Declaration
- Categorical/Statutory Exemption: _____
Type
- None

Provide Copies of Associated Environmental Documents

VI. ADDITIONAL INFORMATION

A. Approval Terms and Conditions Requested For Commission Consideration:

Napa County requires connection to Napa Sanitation District as part of project. See attached memo from Napa County Environmental Management.

Use Additional Sheets As Needed

B. Identify Up to Three Agencies or Persons to Receive Proposal Correspondence:

(Does not include affected landowners or residents)

- (1) **Recipient Name:** Napa Sanitation District C/O Andrew Damron
- Mailing Address:** 1515 Soscol Ferry Road, Napa, CA 94558
- E-Mail:** adamron@napasan.com
- (2) **Recipient Name:** Napa Count PBES C/O Sean Trippi
- Mailing Address:** 1195 Third St. STE 210, Napa CA 94558
- E-Mail:** sean.trippi@countyofnapa.org
- (3) **Recipient Name:** CAB Consulting Engineers C/O Carl Butts
- Mailing Address:** PO Box 140, Napa CA 94559
- E-Mail:** cbutts@cabengineering.com

GEOGRAPHIC DESCRIPTION**DEVLIN ROAD No. , ANNEXATION TO NAPA SANITATION DISTRICT**

APN's 057-170-008 & 019

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Thence, (1) along the northwestern boundary of said Devlin Road Annexation (1983-8) South 49°07'00" West 425.99 feet (shown as South 49°05'55" West 426.07 feet in said District Annexation Legal description);

Thence, leaving said northwestern boundary the following 4 (four) courses and distances:

- (2) South 49°08'01" West 645.30 feet;
- (3) South 49°05'51" West 305.19 feet;
- (4) North 74°28'33" West 998.63 feet;
- (5) North 03°06'22" East 1189.68 feet to a point in the center of Suscol Creek;

Thence, along said center of Suscol Creek the following 7 (seven) courses and distances:

- (6) North 38°42'43" East 34.24 feet;
- (7) South 72°11'52" East 70.89 feet;
- (8) North 64°49'44" East 124.85 feet;
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- (10) South 65°32'00" East 152.06 feet;
- (11) North 87°30'07" East 33.13 feet;
- (12) North 61°38'48" East 15.77 feet;

Thence, leaving said center of Suscol Creek the following 6 (six) courses and distances:

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- (16) North 81°33'13" East 230.41 feet;
- (17) North 07°03'01" East 171.22 feet;
- (18) North 18°46'13" East 202.27 feet to a point in the center of Suscol Creek;

Thence, along said center of Suscol Creek the following 3 (three) courses and distances:

- (19) North 30°13'18" East 110.32 feet;
- (20) North 48°51'03" East 49.93 feet;
- (21) North 80°17'46" East 41.68 feet to a point on the southwestern line of Devlin Road;

Thence, (22) along said southwestern line South 49°15'02" East 934.00 feet to the **POINT OF BEGINNING.**

Containing 44.84 acres of land more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Prepared by Cinquini & Passarino, Inc.



Davit C. Sulam, PLS 8224

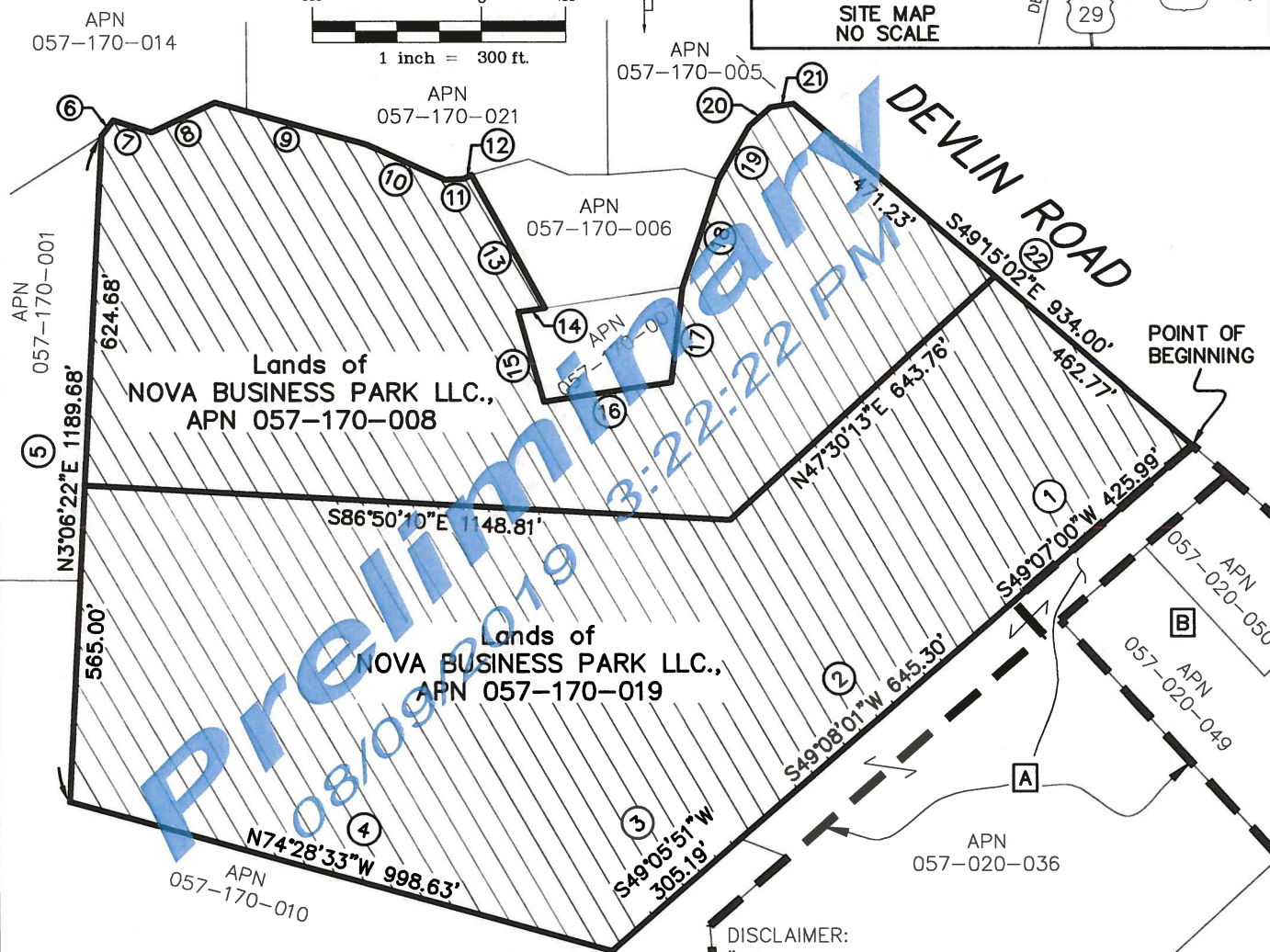
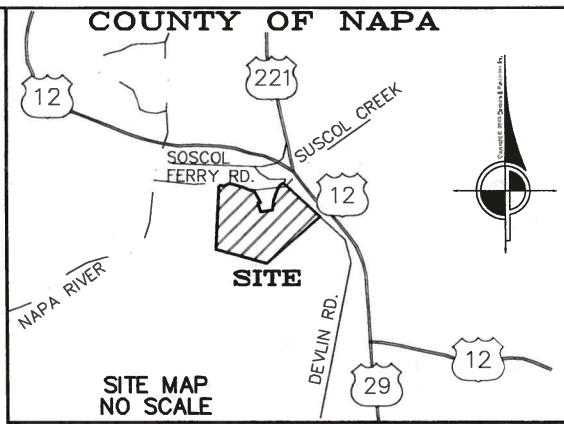
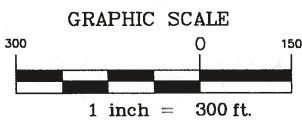
Date

ANNEXATION DISTRICTS

- A** DEVLIN ROAD ANNEXATION, 1983-8
(NSD RESOLUTION 6350)
- B** DEVLIN ROAD #2 DISTRICT ANNEXATION 1986-10
(NSD RESOLUTION 6868)

LEGEND

-  EXISTING NSD BOUNDARY
-  PROPOSED NSD ANNEXATION (±44.84 ACRES)



DISCLAIMER:
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE AREA DESCRIBED."

LINE TABLE		
#	Direction	Length
6	N38°42'43"E	34.24'
7	S72°11'52"E	70.89'
8	N64°49'44"E	124.85'
9	S74°24'19"E	279.09'
10	S65°32'00"E	152.06'
11	N87°30'07"E	33.13'
12	N61°38'48"E	15.77'
13	S28°35'47"E	269.97'
14	S81°33'13"W	48.63'
15	S15°51'16"E	166.38'

LINE TABLE		
#	Direction	Length
16	N81°33'13"E	230.41'
17	N7°03'01"E	171.22'
18	N18°46'13"E	202.27'
19	N30°13'18"E	110.32'
20	N48°51'03"E	49.93'
21	N80°17'46"E	41.68'

CINQUINI & PASSARINO, INC.
LAND SURVEYING

- ▲ BOUNDARY
- ▲ TOPOGRAPHIC
- ▲ CONSTRUCTION
- ▲ SUBDIVISIONS

1804 Soscol Avenue, Suite 202
Napa, CA. 94559
Phone: (707) 690-9025
Fax: (707) 542-2106
WWW.CINQUINIPASSARINO.COM

APN's 057-170-008 & 057-170-019 DEVLIN ROAD NO. ___ DISTRICT ANNEXATION TO NAPA SANITATION DISTRICT	DRAWN BY: DCS	CHECKED BY: JMD
	SCALE: 1" = 300'	DATE: 8/12/2019
	JOB #: 8316-18	PAGE: 3 of 3

N:\PROJ FOLDER TEMP\8316\8316ANEX.dwg
Aug 08, 2019 - 2:45pm

Indemnification Agreement

Name of Proposal: *Devlin Road No. 4 Annexation to Napa Sanitation District*

Should the Local Agency Formation Commission of Napa County ("Napa LAFCO") be named as a party in any litigation (including a "validation" action under California Civil Code of Procedure 860 et seq.) or administrative proceeding in connection with a proposal, the applicant Nova Business Park LLC (Ron Fedrick) (real party in interest: the landowner) agree to indemnify, hold harmless, and promptly reimburse Napa LAFCO for:

1. Any damages, penalties, fines or other costs imposed upon or incurred by Napa LAFCO, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. The Napa LAFCO Executive Officer may require a deposit of funds to cover estimated expenses of the litigation. Applicant and/or real party in interest agree that Napa LAFCO shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's and/or real party in interest's obligations to indemnify and reimburse defense cost; and
2. All reasonable expenses and attorney's fees in connection with the defense of Napa LAFCO.

This indemnification obligation shall include, but is not limited to, expert witness fees or attorney fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with, the approval of this application. This indemnification is intended to be as broad as permitted by law.

Agency Representative Signature

Ron Fedrick

Principal Landowner Signature

Print Name

Print Name




Date

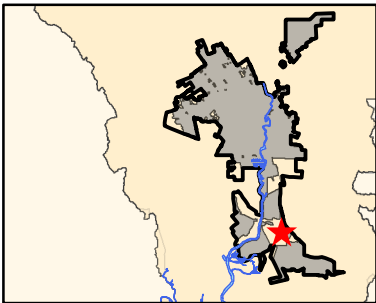
Ron Fedrick
Date *8/19/2019*

Devlin Road No. 4 Annexation to the Napa Sanitation District





Legend

-  Napa Sanitation District Jurisdictional Boundary
-  Napa Sanitation District Sphere of Influence
-  Affected Territory



0 0.025 0.05 0.1 Miles

Prepared by LAFCO Staff
October 7, 2019



LAFCO of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
www.napa.lafco.ca.gov



Local Agency Formation Commission of Napa County
Subdivision of the State of California

We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Devlin Road No. 4 Annexation to the Napa Sanitation District (NSD)
Factors for Commission Determinations

California Government Code (G.C.) Sections 56668 and 56668.3 require the Commission to consider the following specific factors for a change of organization involving annexation to a special district. No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs with respect to considering boundary changes in context with locally adopted policies and practices.

(1) Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.

Total population within the affected territory is zero. The affected territory is legally uninhabited given there are fewer than 12 registered voters.

The affected territory is approximately 44.8 acres in total size and currently undeveloped. The property lies within a partially developed portion of the Napa Valley Business Park Specific Plan (NVBPSP) area that allows a mix of industrial developments. The affected territory is accordingly assigned a zoning standard of *Industrial Park: Airport Compatibility*.

The current assessment value of the affected territory totals \$2,295,751.

Local drainage basins within the affected territory include Suscol Creek and Sheehy Creek. Topography is slightly sloped terrain at approximately 2% from the northeast to southwest.

Current land uses include undeveloped parcels to the east and west; developed industrial uses to the southeast and northwest.

Proposal approval is expected to facilitate the future development of the affected territory to include – based on the applicant’s tentatively approved development project, Nova Wine Warehouse – a 400,500 square foot building with approximately 391,934 square feet of warehouse area and 8,566 square feet of office; 241 parking spaces; and 22 truck/trailer spaces. The surrounding, adjacent undeveloped areas are expected to develop and are assigned a zoning standard of *Industrial Park: Airport Compatibility*. There are currently no known development plans for the adjacent parcels.

(2) The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

The affected territory is currently undeveloped. Core municipal services needed within the affected territory based on its anticipated industrial land uses include sewer, water, fire protection/emergency medical, and law enforcement. A review of estimated demands for municipal services within the affected territory indicates the affected agencies have sufficient capacities and controls to reasonably provide for current and future needs. This statement is based on information collected and analyzed in the Commission's *Municipal Service Reviews: South County Region* adopted in 2018 and *Central County Region* adopted 2014. No service deficiencies for the area were identified in the Municipal Service Reviews. Additional information regarding estimated service demands within the affected territory at buildout follows.

Sewer

The affected territory requires sewer service from NSD. Proposal approval would result in new sewer flows totaling approximately 1,406 gallons per day within the affected territory at buildout. NSD has established adequate capacities and controls to accommodate these demands into the foreseeable future. NSD issued a will serve letter dated July 2, 2018.

Water

The City of American Canyon has been identified in the applicant's tentatively approved development project as the water service provider for the project. The affected territory is located within an area designated for industrial development by the County. Given its inclusion within American Canyon's extraterritorial water service area as approved by the Commission in 2007, Commission approval is not required to extend water service to the affected territory under G.C. Section 56133.

The estimated daily average water demand at build-out is 714 gallons with a maximum daily demand of 1,304 gallons. The City has established adequate capacities and controls to accommodate these demands. American Canyon issued a will serve letter dated February 2, 2018. Water used for landscaping and temporary dust control during construction will be recycled water provided by NSD.

Fire Protection and Emergency Medical

The affected territory currently receives fire protection and emergency medical service from the County. Annexation and buildout as contemplated in the applicant's tentatively approved development project would increase the need for fire protection and emergency medical services moving forward. Fire prevention measures are required as part of the development approval and there would be no expected impact to response time as the property has good public road access.

Law Enforcement

The affected territory receives law enforcement services from the County. Annexation and buildout of the affected territory as contemplated in the applicant's tentatively approved development project would increase the need for law enforcement services. Information generated from the Commission's municipal service review on the *Comprehensive Study on Countywide Law Enforcement Services (2012)* noted that the County has generally developed sufficient capacities and controls to serve existing and anticipated demands for these services. The municipal service review also notes no service deficiencies within the area surrounding the affected territory.

(3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.

The proposal would recognize and strengthen existing social and economic ties between NSD and the affected territory. These ties were initially established in 1975 when the Commission included the affected territory in NSD's sphere of influence, marking an expectation the site would eventually develop for urban type uses and require public sewer from the region's sole service provider, the District.

(4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.

The proposal is consistent with the Commission's policies as codified under its General Policy Determinations. This includes consistency with the industrial land use designation for the affected territory under the County General Plan, avoidance of premature conversion of agricultural uses, and consistency with NSD's adopted sphere of influence. The affected territory does not qualify as "open-space" under LAFCO law and therefore does not conflict with G.C. Section 56377. Specifically, the affected territory is not devoted to open-space use under the County General Plan. However, the conditions of approval require restoration of the Suscol Creek and dedication of a conservation easement as a permanent riparian corridor. Proposal approval would be consistent with planned, orderly, efficient patterns of urban development.

(5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.

The affected territory is located within an area that has had an industrial designation for the past 30 years. The following detailed information was provided in the County's Initial Study of the requested use permit.

The project site is located within a developing industrial park. The project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the Napa County GIS map (Department of Conservation Farmlands 2012 Napa County Farmlands layer). According to Napa County GIS the property is categorized as Farmland of Local Importance (L). Although the site, as well as other undeveloped land in the NVBPSP area, is classified as locally important, the site has been designated for industrial park uses for the last 30 years. Undeveloped lands within the boundary of the NVBPSP are designated as Farmland of Local Importance because they include areas of soils that meet all the characteristics of Prime Farmland or of additional Farmland of Statewide Importance with the exception of irrigation. As development in the NVBPSP area continues, the surrounding developed parcels have been reclassified as Urban and Built-up Land (D). The project site is not subject to a Williamson Act contract.

(6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The proposal is parcel-specific and includes all of the property identified by the County of Napa Assessor's Office as 057-170-008 and 057-170-019. A modification to the proposal boundary is recommended by staff which would include the adjacent public right-of-way adjacent to the affected territory on Devlin Road. This action will provide a clear boundary for public sewer infrastructure. A lot line adjustment within the interior of the territory will occur per Napa County Planning requirements. Commission approval would include a condition requiring the applicant to submit a final map and geographic description of the approved action in conformance with the requirements of the State Board of Equalization. The submitted map and geographic description are currently undergoing review and possible edits by the Executive Officer before filing. Approval of the proposal would have no impact with respect to unincorporated islands or corridors of unincorporated territory.

(7) Consistency with a regional transportation plan adopted pursuant to G.C. Section 65080.

The Metropolitan Transportation Commission's regional transportation plan (RTP), *Plan Bay Area 2040*, was updated in 2017 and outlines specific goals and objectives to direct public transportation infrastructure in the Bay Area through 2040.¹ No specific projects are included in the RTP involving the affected territory. Accordingly, the proposal impact is neutral with respect to the RTP.

(8) Consistency with the city or county general and specific plans.

The proposal would provide permanent public sewer service to the affected territory. The availability of this municipal service is consistent with the County General Plan, which assigns an *Industrial* land use designation for the affected territory.

(9) The sphere of influence of any local agency affected by the proposal.

The affected territory is located entirely within NSD's SOI, which was comprehensively updated by the Commission in October 2015.

The underlying development project will rely on water service from the city of American Canyon. While the affected territory is located outside American Canyon's sphere of influence, it is located within American Canyon's Extraterritorial Water Service Area approved by the Commission in 2007. Therefore no additional Commission action is required.

(10) The comments of any affected local agency or other public agency.

Staff provided notice of the proposal to all affected agencies, transportation agencies, and school districts inviting comments as required under G.C. Section 56658. Comments were received from affect agencies which provided technical information. No objections to the proposed annexation were received.

¹ *Plan Bay Area 2040* is a long-range integrated transportation and land-use/housing strategy through 2040 for the San Francisco Bay Area. *Plan Bay Area 2040* includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

(11) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Information collected and analyzed as part of the Commission's *Central County Region Municipal Service Review* adopted in 2014 concluded NSD has developed overall adequate financial resources and controls relative to current and projected service commitments. This includes regularly reviewing and amending, as needed, NSD's two principal rates and fees to ensure the sewer system remains solvent and sufficiently capitalized to accommodate future demands: (a) capacity charge for new connections and (b) annual service charge. The capacity charge serves as NSD's buy-in charge for new customers to contribute their fair share for existing and future facilities necessary to receive sewer service. Both charges for industrial users are calculated based on the number of equivalent sewer service units pursuant to NSD's *Title 5 – Rates and Charges*. The 2014 *Central County Region Municipal Service Review* is relied upon and sufficient for this annexation proposal regarding the plan for services required by G.C. Section 56653.

(12) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.

The *South County Regional Municipal Service Review* (2018) provided analysis regarding American Canyon's ability to provide current and projected water services. It was determined that the City's recently updated Urban Water Management Plan demonstrates that the City has sufficient water to meet projected needs in the next 20 years. No service deficiencies exist with respect to the affected territory.

American Canyon's water supplies include raw water provided by the Department of Water Resources' State Water Project, raw and treated water provided by the City of Vallejo, and recycled water provided by American Canyon and Napa Sanitation District. The maximum contracted total of these supplies is 8,340 acre-feet.² The actual amount available for delivery each year varies depending upon weather conditions state-wide.

In 2015, demand within American Canyon's Water Service Area totaled 2,976 acre-feet.³ The build-out of the affected territory is projected to generate an additional annual water demand of 1.5 acre-feet.

In accordance with American Canyon's 2011 Zero Water Footprint Policy, all new development is required to offset new demands to ensure there are no adverse impacts to existing customers or supplies.

The following table provides projected water usage by type of land use. Total anticipated demand in the use category of *Other-Commercial/Industrial/Institutional* ranges from 1,087 to 1,448 acre-feet per year. The anticipated annual water demand for the proposed project would have negligible impact on the City's water demands.

² Table E-3 of the 2015 *City of American Canyon Urban Water Management Plan*

³ Table E-1 of the 2015 *City of American Canyon Urban Water Management Plan*

Projected Demand 2020-2040⁴

USE TYPE	2015 ACTUAL	PROJECTED DEMAND				
		2020	2025	2030	2035	2040
Single Family Residential	1,102	1,562	1,712	1,861	2,011	2,171
Multi-Family Residential	142	174	190	207	223	241
Other—Commercial/Industrial/ Institutional	854	1,087	1,177	1,267	1,357	1,448
Landscape	175	247	247	247	247	247
Agricultural irrigation	56	56	0	0	0	0
Other—Miscellaneous	16	24	24	24	24	24
Losses	631	255	272	292	313	335
Total Demand (acre-feet per year)	2,976	3,405	3,622	3,898	4,175	4,466
Service Area Population	20,315	22,462	24,609	26,756	28,903	31,210

Note: All volumes are shown in acre-feet per year. One acre-foot is approximately 325,851 gallons.
Source: Kennedy Jenks Consultants 2016.

Treatment and Storage

American Canyon is responsible for treating its contracted raw water supplies at its treatment facility located off of Jamieson Canyon Road. The treatment facility is capable of treating up to 5.5 million gallons per day. Treated water enters and pressurizes American Canyon's distribution system by collecting within one of two reservoir tanks with a combined storage capacity of 4.7 million gallons.

(13) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.

In an effort to address identified housing needs, the County has adopted a Housing Element and a development impact fee.⁵ The fee is assessed on all non-residential developments based on gross floor area. The purpose of the fee is to reduce housing impacts.⁶

(14) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

The landowners of the affected territory are the petitioners seeking annexation. No additional information or comments were submitted.

⁴ Source: *South County Region Final Municipal Service Review and Sphere of Influence Updates 2018*.

⁵ A recent report with information on local regional housing needs allocations is available online at: https://www.napa.lafco.ca.gov/uploads/documents/6-3-19_5f_Housing-GeneralPlans.pdf

⁶ As required under Chapter 18.107 of the Napa County Code.

(15) Any information relating to existing land use designations.

The County's General Plan land use designation for the affected territory is *General Industrial*. This designation provides for areas where industrial uses are appropriate visually and environmentally. Specific zoning in these areas further refines the type of industrial use and whether or not a building permit is required.

The affected territory is zoned by the County as *Industrial Park: Airport Compatibility (IP:AC)*, which permits modern, non-nuisance light industrial and office uses. This zoning is also intended to accommodate the orderly growth and development of public-use airports.

The proposed annexation to NSD and planned development project are consistent with these existing land use designations.

(16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

There is no documentation or evidence suggesting the proposal will have any implication for environmental justice in Napa County.

(17) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

There is no documentation or evidence suggesting a local hazard mitigation plan or safety element of a general plan is relevant to the proposed annexation to NSD. Further, the affected territory is not located in a very high fire hazard zone or a state responsibility area. The affected territory is not included in a FEMA flood zone.

(18) For annexations involving special districts, whether the proposed action will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

Proposal approval would benefit the landowners within the affected territory by providing permanent access to sewer, water, and expanded municipal services. The general public will be served with a planned industrial use. The planning of specific areas for industry allows these businesses to be placed with minimal environmental impact while protecting agricultural and open space lands.

COUNTY OF NAPA
PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT
 1195 THIRD ST., SUITE 210
 NAPA, CA 94559
 (707) 253-4416

Initial Study Checklist
 (form updated October 2016)

1. **Project Title:** Nova Wine Warehouse, Use Permit P16-00456
2. **Property Owner/Project Sponsor Name and Address:** Nova Business Park, LLC (Ron Fedrick); P.O. Box 4050, Napa, CA 94558
3. **Representative Name and Address:** Beth Painter, Balanced Planning; 10 Canopy Lane, Napa, CA 94558
4. **County Contact Person, Phone Number, and Email:** Sean Trippi; (707) 299-1353; sean.trippi@countyofnapa.org
5. **Project Location and APN:** The project is proposed on a 23.2 acre portion of two lots totaling 44.8 on the west side of Devlin Road, adjoining Suscol Creek. APN's: 057-170-008 & 019. Napa.
6. **General Plan Description:** Industrial
7. **Zoning:** Industrial Park: Airport Compatibility (IP:AC)
8. **Description of Project:**
 The project proposes to construct a new light industrial building with approximately 400,500 square feet of floor area which includes approximately 391,934 sq. ft. of warehouse space and 8,566 sq. ft. of office space. No tenants have been identified, however the warehouse is intended for wine storage. On-site parking for 241 vehicles, 22 truck/trailer spaces, landscaping, and signage are also included with the proposal. A lot line adjustment is also proposed to create the proposed 23.2 acre development area with a 21.9 acre property to the east resulting from the lot reconfiguration. The project site does not have direct access from or frontage on Devlin Road but will be accessed via a new driveway on Devlin Road within an easement across the 21.9 acre property. Other than the driveway, no development is proposed on the easterly property. A two-way left turn lane on Devlin Road will be constructed along the project frontage. The project will connect to municipal water and sewer services provided by the City of American Canyon and the Napa Sanitation District (NSD), respectively. Annexation to NSD will be required prior to the provision of services.

 Exterior building materials include tex-coat concrete tilt-up wall panels with a multi-color paint scheme and multiple score lines/reveals. The north, south and east elevations include glass storefront areas, with parapets raised above the rest of the building with metal canopies above the glass. The east elevation includes 34 depressed loading docks, four at-grade overhead roll-up doors, and eight man-doors. The west elevation includes 46 depressed loading docks, two at-grade overhead roll-up doors and 10 man-doors. The north and south elevations each have four man-doors. The proposed facility would generally operate between 6 A.M. and 6 P.M, five to seven days a week with an estimated 20 full-time and 20 part-time employees.
9. **Describe the environmental setting and surrounding land uses:**
 The site is currently vacant, has been previously graded and is located within a partially developed industrial/business park. The site has been designated for industrial development for over 30 years. A portion of the northern boundary of the site adjoins Suscol Creek. The development area is relatively flat with gentle slopes ranging from 0-5 percent from northeast to southwest and includes non-native grasses, a smattering bushes, and a riparian area along Suscol Creek. There is also a gravel walking path traversing the project site which is accessed from an existing industrial facility to the southeast under the same ownership as the proposed project. A small barn and a shed on the easterly property were demolished in 2016, prior to submittal of the use permit application. Adjoining the west side of the project site are two properties totaling approximately 49.8 acres. The northerly property is planted in vines. The southerly property wraps around the southern end of the project site and is undeveloped. To the north across Suscol Creek is a self-storage facility. To the east are two properties; a 1.64 acre property with a single-family home, a 1.0 acre property with a partially developed winery, and the 21.9 acre portion of the project site. Southeast of 21.9 acre portion of the site is a 1.41 acre site with a light industrial/warehouse building, a self-storage facility on a 3.41 acre site, and Nova Group Inc's., a general engineering contractor, home offices and fabrication facility on a 20.34 site under the same ownership as the project site. The project site is in close proximity to the Napa County Airport, and is located in Zone C, the Extended (runway) Approach/Departure Zone. This is an area where aircraft will be below 300-feet above ground level as determined by the type of approach.
10. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).
 Discretionary approval required by Napa County consists of a use permit. The proposed project would also require various ministerial approvals by the County including, but not limited to building permits, grading permits, encroachment permits, and lot line adjustment. Permits to connect to water and sewer utilities are required from the City of American Canyon and Napa Sanitation District, respectively. A Storm

Attachment Five

Water Pollution Prevention Plan (SWPPP) is required to meet San Francisco Regional Water Quality Control Board standards and is administered by the Engineering Services Division. The Local Agency Formation Commission will require annexation to the Napa Sanitation District.

The proposed project does not involve modifications to a streambed, and thus does not require a streambed alteration agreement from the California Department of Fish and Wildlife. The proposed project does not involve the fill of waters of the United States, and thus does not require a dredge-and-fill permit from the U.S. Army Corps of Engineers. The proposed project does not involve the "take" of listed endangered or threatened species, and thus does not require a "take permit" from the Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service.

Responsible (R) and Trustee (T) Agencies

City of American Canyon
Napa Sanitation District
Local Agency Formation Commission

Other Agencies Contacted

City of Napa

11. **Tribal Cultural Resources. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?**

Pursuant to Public Resources Code section 21080.3.1, invitation for tribal consultation was completed. One response was received from the Middletown Rancheria dated August 31, 2017. The letter indicates that while the Middletown Rancheria has no comments, they would like to be notified should any resources be found.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

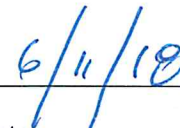
The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Sean Trippi, Principal Planner
County of Napa Planning, Building and Environmental Services Department



Date

Attachment Five

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a/b. The proposed project would not be located within an area which would damage any known scenic vista, or damage scenic resources, trees, rock outcroppings, or historic buildings. The proposed project site has been previously graded, contains little to no vegetation in the proposed development area and is currently vacant.

- c. The proposed project is located within a partially developed portion of the Napa Valley Business Park Specific Plan (NVBPSP) area that allows a mix of industrial developments. The building is located approximately 800 feet west of Devlin Road, south of Suscol Creek. The building elevations include tex-coat concrete tilt-up wall panels with a multi-color paint scheme and multiple score lines/reveals. The north, south and east elevations include glass storefront areas, with parapets raised above the rest of the building with metal canopies above the glass. The overall design is equivalent to other similar more recent industrial projects approved and/or constructed within the NVBPSP boundaries, and meets the minimum design requirements for the NVBPSP industrial park area. Therefore, the project will not substantially degrade the existing visual character or quality of the site and surrounding area.

- d. The new facility will result in a minor increase in the nighttime lighting. In accordance with County standards, all exterior lighting will be the minimum necessary for operational and security needs. Light fixtures will be kept as low to the ground as possible and include shields to deflect the light downward. Avoidance of highly reflective surfaces will be required, as well as standard County conditions to prevent light from being cast skyward. This is an area routinely overflown by low flying aircraft which necessitates strong controls on skyward nighttime lighting. As designed, and as subject to standard conditions of approval, the project will not create a significant impact from light or glare. As designed, and as subject to the standard condition of approval, below, the project will not have a significant impact resulting from new sources of outside lighting.

- 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.*

- 6.3 *LIGHTING – PLAN SUBMITTAL*
 - a. *Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.*

 - b. *All exterior lighting, including landscape lighting, shall be shielded and directed downward; located as low to the ground as possible; the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.*

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES.¹ Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. The project site is located within a developing industrial park. The project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Important as shown on the Napa County GIS map (*Department of Conservation Farmlands 2012 Napa County Farmlands* layer). According to Napa County GIS the property is categorized as Farmland of Local Importance (L). Although the site, as well as other undeveloped land in the NVBPSP area, is classified as locally important, the site has been designated for industrial park uses for the last 30 years. Undeveloped lands within the boundary of the NVBPSP are designated as Farmland of Local Importance because they include areas of soils that meet all the characteristics of Prime Farmland or of additional Farmland of Statewide Importance with the exception of irrigation. As development in the NVBPSP area continues, the surrounding developed parcels have been reclassified as Urban and Built-up Land (D). The project site is not subject to a Williamson Act contract.
- c/d. The project site is zoned Industrial Park (IP), which allows light industrial, manufacturing, office and business park uses upon grant of a use permit, and is located within the Napa Valley Business Park Specific Plan. According to the Napa County Environmental Resource Maps (based on the following layers – Sensitive Biotic Oak woodlands, Riparian Woodland forest, and Coniferous forest) the project site does not contain woodland or forested areas. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production
- e. The project site is surrounded by developing industrial park land. Although farming activities occurred on these lands in the past, the area has been designated for industrial development for over 30 years. The project will not result in the conversion of existing farmland.

Mitigation Measures: None required.

¹ "Forest land" is defined by the State as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some "forest land" to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on "forest land." In that analysis specifically, and in the County's view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

On June 2, 2010, the Bay Area Air Quality Management District's (BAAQMD) Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act. These Thresholds are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in BAAQMD's updated CEQA Guidelines (updated May 2012). The Thresholds are advisory and may be followed by local agencies at their own discretion.

The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

In view of the Supreme Court's opinion, local agencies may rely on thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the thresholds are not mandatory and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or BAAQMD to any specific course of regulatory action.

BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The May 2017 Guidelines update does not address outdated references, links, analytical methodologies or other technical information that may be in the Guidelines or Thresholds Justification Report. The Air District is currently working to revise any outdated information in the Guidelines as part of its update to the CEQA Guidelines and thresholds of significance.

a-c. The mountains bordering Napa Valley block much of the prevailing northwesterly winds throughout the year. Sunshine is plentiful in Napa County, and summertime can be very warm in the valley, particularly in the northern end. Winters are usually mild, with cool temperatures overnight and mild-to-moderate temperatures during the day. Wintertime temperatures tend to be slightly cooler in the northern end of the valley. Winds are generally calm throughout the county. Annual precipitation averages range from about 24 inches in low elevations to more than 40 inches in the mountains.

Ozone and fine particle pollution, or PM2.5, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM2.5 occasionally does reach unhealthy concentrations. There are multiple reasons for PM2.5 exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM2.5 within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay and, as a result, Napa County experiences some of the coldest nights in the Bay Area. This leads to greater fireplace use and, in turn, higher PM2.5 levels. Finally, in the winter easterly winds often move fine-particle-laden air from the Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (BAAQMD, *In Your Community: Napa County*, April 2016).

The impacts associated with implementation of the Project were evaluated consistent with guidance provided by BAAQMD. Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone, ozone precursors oxides of nitrogen and reactive organic gases (NOx and ROG), carbon monoxide (CO), nitrogen dioxide (NO2), and suspended particulate matter (PM10 and PM2.5). Other criteria pollutants, such as lead and sulfur dioxide (SO2), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

BAAQMD has not officially recommended the use of its thresholds in CEQA analyses and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other factual data. BAAQMD also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource BAAQMD provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. The proposed facility is approximately 400,500 square feet of floor area including approximately 8,566 square feet of office area. When compared to the BAAQMD’s operational criteria pollutant screening size of 541,00 square feet and 864,000 square feet for light industrial and warehousing, respectively, the project would not significantly impact air quality and does not require further study (BAAQMD CEQA Guidelines, May 2017 Pages 3-2 & 3-3.). Given the size of the project compared to the BAAQMD’s screening criterion of 864,000 square feet (warehousing) and 346,000 square feet (general office) for NOx (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan.

The project falls well below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

- d. In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for project construction. Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings. The proposed grading plan has been designed to balance cut and fill resulting no off or on-haul of soils. If grading were to result in off or on-haul of soils, these potential construction impacts would be temporary in nature and subject to standard conditions of approval from the Engineering Division as part of the grading permit or building permit review process.

The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to these relevant best management practices identified by the Air District and the County’s standard conditions of project approval, construction-related impacts will not expose sensitive receptors to substantial pollutant concentrations and are considered less than significant:

7.1 *SITE IMPROVEMENT*

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.*

All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>

Furthermore, while earthmoving and construction on the site will generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County's standard condition of approval relating to dust:

7.1. **SITE IMPROVEMENT**

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.

- e. While the Air District defines public exposure to offensive odors as a potentially significant impact, light industrial or manufacturing uses are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. Construction-phase pollutants will be reduced to a less than significant level by the above-noted standard condition of approval. The project will not create pollutant concentrations or objectionable odors affecting a substantial number of people.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-d. The site has been designated for industrial development for over 30 years. The development area is vacant and has been graded over the years for weed abatement. The northern boundary of the development area adjoins Suscol Creek. The development area is relatively flat with gentle slopes ranging from 0-5 percent from northeast to southwest and includes non-native grasses, a smattering of bushes, and a moderately dense riparian woodland area along Suscol Creek. No improvements or construction activity is proposed within the riparian area along Suscol Creek or within bed or bank. The nearest portion of the development area is proposed a minimum of 150-feet south of the top of bank along Suscol Creek. There is a gravel walking path traversing the project site which is accessed from an existing industrial facility under the same ownership as the proposed project southeast of the site. A lot line adjustment is proposed to create the proposed 23.2 acre project site with a resulting 21.9 acre property to the east. The project site does not have direct access from or frontage on Devlin Road but will be accessed via a new driveway on Devlin Road within an easement across the 21.9 acre property. Other than the driveway, no development is proposed on the easterly property. Two Eucalyptus trees as well as some small (less than 5-inch diameter trunk size) Oak trees will be removed to facilitate construction of the on-site driveway. A small barn and a shed on the easterly property were demolished in 2016, prior to submittal of the use permit application. There is existing development adjoining the property to the west, southwest and southeast. Industrial development has been progressing in the general vicinity since the late 1980's.

A Biological Evaluation of the subject property, dated June 2016, was prepared by Zentner and Zentner, including botanical surveys. The analysis identifies special status species, habitats and other biological resources within the project site as well as potential project impacts, if any, to biological resources and recommended mitigation measures as needed. Site surveys were conducted on April 26, May 6, May 17, and June 2, 2016. A follow-up site visit was conducted on July 5, 2016, during the blooming period of the pappose tarplant. According to the evaluation, the site consists primarily of ruderal or disturbed grasslands, with scattered coyote bush in the northern portion of the development area. The ruderal habitat such as that found on the site provides difficult foraging habitat for wildlife species as the dominant ruderal vegetation is tall and dense. Foraging likely takes place in adjacent areas where vegetation is primarily shorter grassland with much fewer ruderal species where hunting would be easier. No wetland areas were identified on the project site.

As noted above, the dominant vegetation on the site is ruderal grassland with the majority being Italian thistle, mustard, and radish in the overstory and red-stem filaree and cut-leaved geranium in the understory. Ripgut brome, wild oats, and Italian ryegrass are also prominent in portions of the ruderal grassland. According to CNPS Inventory, USFWS database, and CDFW's California Natural Diversity database (CNDDB), a total of 27 special status wildlife and 29 plant species are within the nine USGS 7.5 minute Quadrangles surrounding the project area, with 23 wildlife and 19 plants species within a five mile radius of the project site. A complete list and description of all special status wildlife and plant species that may occur within the project's region is provided in the Zentner and Zentner report in Tables 1 and 2, respectively. Appendices A and B list plant and wildlife species, respectively, observed during the site visits.

No special-status plant species were observed during the field surveys by Zentner and Zentner. The majority of the plant species occurring within the region are highly unlikely to occur on the project site because the site is not within their range, the site lacks suitable habitat or local occurrences, or they were not observed on the project site. Although no special-status plant species were observed during the field surveys, the Pappose tarplant and *Lessingia*, both annual herbs, were mentioned as having some likelihood to occur on-site. The original report includes mitigation measures to address potential impacts to Pappose tarplant because the site survey was conducted outside the blooming period. However, a subsequent survey conducted during the appropriate blooming determined that the Pappose tarplant was not present on the project site. Therefore, the recommended mitigation measure is no longer applicable. Additionally, *Lessingia* was not found during the survey conducted within its blooming period.

No special-status animal species were observed on the site or within the project's vicinity during the field surveys except for a Swainson's hawk spotted flying over the riparian woodland area adjacent to the site. As is the case with the potential occurrence of special status plants, the majority of the special-status animal species occurring within the region are highly unlikely to occur on the project site because the site is not within their range, the site lacks suitable habitat or local occurrences, or they were not observed on the project site. The report notes that although not seen on the site, several species have at least some potential to occur on the site. Of these species, the Golden Eagle, Burrowing Owl, American Badger, and Western Bumblebee were determined to be unlikely to occur on the site for the reasons enumerated previously. Four additional species were discussed in the report as having at least some potential to nest or move through the project area. These species are the California red-legged frog (CRLF), Pallid Bat, Northern harrier and Swainson's hawk. As noted in the report, there are no known occurrences of (CRLF) on the project site or within Suscol Creek. However, the project biologist recommends a pre-construction survey to ensure that there are no CRLF in the project vicinity when work commences in the unlikely event that a stray CRLF moves along the creek corridor. Mitigation measure BIO-1, below, will reduce potential impacts to the CRLF to a level of less than significant. The CNDDB lists seven records of pallid bats within five miles of the project site but has no records of the species on the site, nor have any been observed during the site surveys referenced above. The report indicated that the old barn and shed east of the development area provide potential roosting, although no observations or indications of use were made during the site surveys. The report includes mitigation measures to address potential impacts to Pallid bats, however, both structures were removed after the study was prepared and prior to submittal of the use permit application. Therefore, the recommended mitigation measures are no longer applicable. As with the two preceding species, no Northern harriers have been observed within the vicinity of the project site or observed during the site surveys. However, the project biologist recommends that a pre-construction survey be conducted to determine the presence or absence of the species due to potential nesting

habitat, primarily within the riparian woodlands along Suscol Creek. The pre-construction survey would also address other nesting raptors and migratory birds. Mitigation measure BIO-2, below, will reduce impacts to any special-status raptor species, including migratory birds protected under the Migratory Bird Treaty Act to a level of less than significant.

According to the CNDDP, there have been five observations of Swainson's hawk nests within a five-mile radius of the project site, which have been intermittently active from 2005-2012 (see Figure 4 of the June 2016 Zentner and Zentner report). The nest nearest to the site is approximately ¼-mile of the project site. This nest was reported to have last been active in 2012. As noted in the report, a single Swainson's hawk was observed flying over the riparian woodlands along Suscol Creek and over the fields to the west and northwest of the site during the June site survey. The report also references the Caltrans SR 29/221 Draft EIR (2015) which covered most of the project site including the riparian corridor along Suscol Creek and noted that there were no known active nests within 600 feet of the project area. Further, because the site is primarily composed of relatively dense, ruderal grassland, the quality of the foraging habitat is only of moderate value and would be considered secondary foraging habitat. In comparison, the spray fields to the southwest of the site contain shorter, irrigated pasture that Swainson's hawks prefer due to the increased presence of rodents and would be considered primary foraging habitat. Though this habitat is considered secondary foraging habitat for Swainson's hawk, and based on recent observations conducted for similar projects in the area, there are no known, currently active nests in the area. In addition, the Caltrans SR 29/221 Draft EIR noted that the loss of 22.71 acres of grassland vegetation "would not make a considerable contribution to the loss of nesting and/or foraging habitat for the Swainson's hawk" (Caltrans 2015). Grasslands are considered one of the primary foraging habitats for Swainson's hawk. The proposed project would impact less area (16.87 acres) and the impacts would also be to secondary habitat (ruderal grassland) rather than primary (spray fields, alfalfa fields etc...), and therefore, the impacts would be even less significant than those evaluated for the Caltrans project. Therefore, given the quality of the ruderal habitat, which would not make a significant contribution to the loss of foraging habitat for the Swainson's hawk, the loss of 16.87 acres of ruderal habitat is not a significant impact. To ensure no adverse impacts occur to protected raptors as well as other bird species, Mitigation Measure BIO 2 requires a pre-construction survey if construction is anticipated during the nesting/breeding season.

- e. The project would not conflict with any local policies protecting biological resources, such as tree preservation or the County's Conservation Regulations. The site is an improved industrial lot with little native vegetation. In accordance with the requirements of the NVBSP, new landscaping will be provided on the site. The project does not conflict with any County ordinance or requirement to preserve existing trees, and therefore is considered as not having potential for a significant impact thereto.
- f. The proposed project would not conflict with the provisions of adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans. There are no plans applicable to the subject parcel.

Mitigation Measure(s):

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 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, northern harrier or other raptors, or other bird species listed in the Migratory Bird Treaty Act (typically February 1 through September 30), a preconstruction survey of the project vicinity for nesting birds shall be conducted. This survey shall 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 (300 feet for raptors). 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 shall commence early in the Swainson's hawk nesting season (late March to early April) and surveys will be conducted within a minimum 0.25-mile radius of the Project area. The surveys shall 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 shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. If any active Swainson's hawk nests are found during the survey, CDFW recommends a disturbance buffer of at least a 0.25 mile to avoid a "take" or adverse impacts to Swainson's hawk. No trees or vegetation shall be removed from the project site during the breeding period. 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 activities scheduled to occur on the site from February 1 through September 30. 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 Swainson 's hawk which may include preservation of potential foraging habitat.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b. The project site is vacant and does not contain any structures within the development area. A small barn and a shed on the easterly property were demolished in 2016, prior to submittal of the use permit application. Two Archaeological Resources Studies were prepared by Tom Origer and Associates, dated September 2, 2016 and November 22, 2016. The studies were conducted to determine the presence or absence of archaeological resources, and potential impacts, if any, as a result of the proposed project. According to the initial study, a portion of the site is within a previously recorded resource, although no surface evidence of the resources. The second study was conducted to determine what, if any, impacts the project may have on recorded archaeological resources through subsurface excavations. The report concluded that no further study is recommended for the small part of the resource area affected by the project. However, if any previously undiscovered resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval that will be imposed on the project:

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.

- c. No paleontological resources or unique geological features have been identified on the property or were encountered on the property when the site was originally graded for development. However, if resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the standard condition of approval stated above.
- d. The Origer reports did not note the discovery of human remains as a result of site surveys. However, the report did note the discovery of human remains in the general area in the past. Origer recommends that construction personnel attend a brief workshop regarding the types of materials and features that may be encountered during construction and the procedure to follow if resources are discovered. This recommendation is included in mitigation measure CULT-1, below. As noted in the above standard condition of approval, if human remains 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 standard condition of approval noted above.

Mitigation Measure(s):

CULT-1: Construction personnel attend a brief workshop conducted by a qualified archaeologist regarding the types of materials and features that may be encountered during construction and the procedure to follow if resources are discovered.

Method of Mitigation Monitoring: The permittee provide documentation to the satisfaction of the Director that the workshop has been conducted prior to any earth disturbing activities.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI.	GEOLOGY AND SOILS. Would the project:				
	a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Be located on expansive soil creating substantial risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. i.) There are no known faults on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed facility would result in a less than significant impact with regards to the rupturing of a known fault.

- ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the facility will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to the maximum extent possible.
 - iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Compliance with the latest edition of the California Building Code for seismic stability would reduce any impacts to a less than significant level.
 - iv.) The Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) did not indicate the presence of landslides on the property.
- b. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the site is comprised of Coombs gravelly loam soils, generally on land with slopes between 2 to 5 percent which are characterized by slow runoff with a slight hazard of erosion. This nearly level soil type is found mainly on old terraces and old alluvial fans. Project approval will require incorporation of best management practices and will be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable, to ensure that development does not impact adjoining properties, drainages, and roadways.
- c/d. Early or mid-Pleistocene fan or terrace deposits underlay the site according to the Napa County Environmental Resource Maps (Surficial Deposits layer). Based on the Napa County Environmental Sensitivity Maps (Liquefaction layer) the project site has very low susceptibility for liquefaction. Development will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level. In addition, a soils report, prepared by a qualified Engineer will be required as part of the building permit submittal. The report will address the soil stability, potential for liquefaction and will be used to design specific foundation systems and grading methods which will reduce potential impacts to less than significant.
- e. The project will connect to municipal water service provided by the City of American Canyon and sewer service by Napa Sanitation District. "Will Serve" letters have been provided by the affected jurisdictions indicating that they have sufficient capacity to accommodate the water and wastewater demand of this project. (see **Section XVII Utilities and Service Systems (d)**, below.)

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII.	GREENHOUSE GAS EMISSIONS. Would the project:				
	a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Napa County has been working to develop a Climate Action Plan (CAP) for several years. In 2012 a Draft CAP² (March 2012) was recommended using the emissions checklist in the Draft CAP, on a trial basis, to determine potential greenhouse gas (GHG) emissions associated with project development and operation. At the December 11, 2012, Napa County Board of Supervisors (BOS) hearing, the BOS considered adoption of the proposed CAP. In addition to reducing Napa County's GHG emissions, the proposed plan was intended to address compliance with CEQA for projects reviewed by the County and to lay the foundation for development of a local offset program. While the BOS acknowledged the plan's objectives, the BOS requested that the CAP be revised to better address transportation-related greenhouse gas, to acknowledge and credit past accomplishments and voluntary efforts, and to allow more time for establishment of a cost-effective local offset program. The Board also requested that best management practices be applied and considered when reviewing projects until a revised CAP is adopted to ensure that projects address the County's policy goal related to reducing GHG emissions.

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources), ii) address the concerns with the previous CAP effort as outlined above, iii) meet applicable State requirements, and iv) result in a functional and legally defensible CAP. On April 13, 2016 the County, as part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: *2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016*.

² County of Napa, March 2012, Napa County Draft Climate Action Plan, Prepared by ICF International. Sacramento, CA

This initial phase included: i) updating the unincorporated County's community-wide GHG emissions inventory to 2014, and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or <http://www.countyofnapa.org/CAP/>.

a/b. Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan.

Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). (Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.) For the purposes of this analysis potential GHG emissions associated with 'construction' and 'development' and with 'ongoing' business operations have been discussed.

GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide, methane, ozone, and the fluorocarbons, that contribute to climate change (a widely accepted theory/science that explains human effects on the atmosphere). Carbon Dioxide (CO₂) gas, the principal greenhouse gas (GHG) being emitted by human activities, and whose concentration in the atmosphere is most affected by human activity, also serves as the reference gas to compare other greenhouse gases. Typical sources of carbon emissions include land clearing, land use change, biomass burning, and motor vehicle and equipment. Equivalent Carbon Dioxide (CO₂e) is the most commonly reported type of GHG emission and a way to get one number that approximates total emissions from all the different gasses that contribute to GHG (BAAMD CEQA Air Quality Guidelines, May 2012). In this case, carbon dioxide (CO₂) is used as the reference atom/compound to obtain atmospheric carbon CO₂ effects of GHG. Carbon stocks are converted to carbon dioxide equivalents (CO₂e) by multiplying the carbon total by 44/12 (or 3.67), which is the ratio of the atomic mass of a carbon dioxide molecule to the atomic mass of a carbon atom.

One time "Construction Emissions" associated with the project includes: i) the carbon stocks that are lost (or released) when existing vegetation is removed and soil is ripped in preparation for the new building, parking lot and associated infrastructure; and ii) emissions associated with the energy used to develop and prepare the project area and construct the project, including construction equipment and worker vehicle trips (hereinafter referred to as Equipment Emissions). These emissions also include underground carbon stocks (or Soil carbon) associated with the existing vegetation that is proposed to be removed.

In addition to the one time Construction Emissions, "Operational Emissions" of the project are also considered and include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a "no project" scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the project, including vehicle trips associated with employee, delivery and visitor trips (hereinafter referred to as Operational Emissions). Operational Emissions from the proposed project would be the primary source of emissions over the long-term when compared to one time construction emissions.

A Greenhouse Gases Emissions Impact Analysis was prepared by FirstCarbon Solutions, dated April 20, 2018, to evaluate the projects greenhouse gas emissions. The California Emissions Estimator Model (CalEEMod), version 2016.3.2, was utilized to estimate project emissions. The Bay Area Air Quality Management District (BAAQMD) identifies sources of information on potential thresholds of significance and mitigation strategies for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines (May 2017.) The BAAQMD significance criterion applicable to the project is whether the project would result in annual GHG emissions greater than 1,100 metric tons per year (MT/yr) of carbon dioxide and carbon dioxide equivalents (CO₂e). Although BAAQMD has not developed specific construction GHG thresholds, the operational threshold of significance is also being used to evaluate the projects construction emissions.

The project would generate GHG emissions during construction activities including site preparation, use of heavy construction vehicles and equipment, material deliveries, and trips associated with construction workers. The project is expected to be constructed over a two-year period. The report indicated that the first year of construction, which includes site preparation, grading and construction of the building, would generate approximately 623 MT CO₂e. The second year, which would include completion of the building, paving and architectural coatings, would generate approximately 493 MT CO₂e. Operational GHG emissions are associated with area sources (landscape and building maintenance), energy use, mobile sources (motor vehicle trips), water use, and wastewater treatment. The report indicates that the project is expected to generate approximately 974 MT CO₂e per year. Construction and operational emissions would therefore not exceed the

threshold. The study assumed GHG reduction design features that will be part of the project and required as conditions of approval, as follows:

- i. Require that the project complies with CalGreen 2016 Title 24 energy standards, as may be amended or updated, including, but not limited to:
 - Sensors shall be installed in all enclosed offices that detect if the office is occupied that will activate the HVAC and lighting.
 - LED lights installed throughout.
- ii. At least 20 percent of waste created on-site shall be recycled/composted.

In addition, the applicant has indicated that the project will incorporate the following voluntary best management practices: roof will be engineered to accommodate PV panels; bioswales and native plantings; build to CALGREEN Tier 2; a Transportation Demand Management plan which will include employee and bike riding incentives; energy conserving lighting; cool roof construction; installation of water efficient fixtures; low impact development; new vegetation/water efficient landscaping; and, onsite recycling. Additional items are included in the Voluntary Best Management Practices Checklist for Development Projects form included with the Use Permit Application. Greenhouse Gas Emission reductions from local programs and project level actions, such as application of the Cal Green Building Code, vehicle fuel efficiency standards, and the project-specific on-site programs identified above would combine to further reduce emissions below BAAQMD thresholds.

As indicated above the County is currently preparing a CAP and as the part of the first phase of development and preparation of the CAP has released Final Technical Memorandum #1 (2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016). Table 1 of the Technical Memorandum indicates that 2% of the County's GHG emissions in 2014 were a result of land use change.

The increase in emissions anticipated as a result of the project would be minor and the project is in compliance with the County's efforts to reduce emissions as described above. Accordingly, the project's impacts would be less than significant.

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII.	HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The proposed project will not involve the transport of hazardous materials other than those small amounts normally used in construction of the building. A Business Plan will be filed with the Environmental Health Division should the amount of hazardous materials reach reportable levels. However, in the event that the proposed use or a future use involves the use, storage or transportation of greater than 55 gallons or 500 pounds of hazardous materials, a use permit and subsequent environmental assessment would be required in accordance with the Napa County Zoning Ordinance prior to the establishment of the use. During construction of the project some hazardous materials, such as building coatings/ adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and the limited duration of construction activity, they will result in a less-than-significant impact.
- b. The project would not result in the release of hazardous materials into the environment.
- c. There are no schools located within one-quarter mile from the proposed project site.
- d. The proposed site is not on any known list of hazardous materials sites.
- e. The project site is located within two miles of the Napa County Airport, and is therefore subject to the requirements of the County's Airport Compatibility Combination zoning district and the requirements of the Napa County Airport Land Use Compatibility Plan (ALUCP). The project site is located within compatibility Zone C of the Napa County Airport, which is an extended approach/departure zone with aircraft overflight below 300-feet above ground level. The proposed use of the building is considered to be compatible with the risk and noise impacts associated with properties within Zone C. The building has also been designed to comply with specific requirements regarding light and glare to ensure airport land use compatibility. County development regulations have been certified as meeting ALUC compatibility requirements, and consequently the project is not subject to separate ALUC review because it has been designed to comply with County airport compatibility land use requirements. As a condition of approval, the project will require a notice to be filed with the Federal Aviation Agency 45 days prior to the commencement of construction in accordance with 14 CFR Part 77.9.
- f. The project site is not located within the vicinity of any private airports.
- g. The proposed driveway that would serve the project will be designed to comply with County standards and access to the building has been designed to accommodate fire apparatus and large trucks. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable as conditioned. Therefore, the design of the project will not negatively impact or hinder emergency vehicle access.
- h. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires because the project is located within an urbanized area.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

On January 14, 2014, Governor Jerry Brown declared a drought emergency in the state of California. That declaration was followed up on April 1, 2015, when the Governor directed the State Water Resources Control Board to implement mandatory water reductions in cities and town across California to reduce water usage by 25 percent. These water restrictions do not apply to agricultural users. However, on April 7, 2017, Governor Jerry Brown signed an executive order lifting California's drought emergency in all but four counties (Fresno, Kings, Tulare and Tuolumne). The County of Napa had not adopted or implemented any additional mandatory water use restrictions. The County requires all Use Permit applicants to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project and to implement water saving measures to prepare for periods of limited water supply and to conserve limited groundwater resources.

- a. The proposed project will not violate any known water quality standards or waste discharge requirements. The project will discharge into an approved storm drainage system designed to accommodate the drainage from this site. The applicant is required to obtain a stormwater permit from the Regional Water Quality Control Board (RWQCB) which is administered in part by the County Engineering Services Division on behalf of the RWQCB. Given the essentially level terrain, and the County's Best Management Practices, which comply with RWQCB requirements, the project does not have the potential to significantly impact water quality and discharge standards.
- b. The project will receive water from the City of American Canyon. The project is located within an area designated for urban development by the City of American Canyon. The City has acquired water rights to provide adequate water for all areas within their service area. The City has reviewed the proposed project and determined that in order to comply with the City's Zero Water Footprint (ZWF) Policy the applicant shall contribute to the City's water conservation fund and has issued a Will Serve letter for the proposal. No groundwater wells are associated with this property. (see **Section XVII Utilities and Service Systems (d)**, below.)
- c/d. The proposed project will not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off site. The project will incorporate erosion control measures appropriate to its maximum slope to manage onsite surface drainage and erosion of onsite soils during construction and winter months (October to April). As noted above, the project is required to comply with County Engineering Services Division requirements which are consistent with RWQCB standards. These established Best Management Practices have been successfully implemented on numerous previous projects within the NVBPSP area. By incorporating erosion control measures, this project would have a less than significant impact. No substantial alteration of existing drainage is anticipated to occur. There will be an increase in the overall impervious surface resulting from the new buildings, pavement and sidewalks. However, given the size of the drainage basin, the increase in impervious surfaces will not discernibly change the amount of groundwater filtration or discernibly increase surface runoff from that which currently exists on site. Project impacts related to drainage patterns and off-site flows are expected to be less than significant.

- e. The existing storm drainage system is designed to County standards and is sized to accommodate all drainage from this site.
- f. The project includes water quality detention and treatment basins which provide treatment of the stormwater by filtering pollutants prior to discharge into the storm drain system. There are no other factors in this project that would otherwise degrade water quality.
- G-i. According to Napa County environmental resource mapping (*Floodplain and Dam Levee Inundation* layers), the project site is not located within a flood hazard area, nor would it impede or redirect flood flows or expose structures or people to flooding. The project site is not located within a dam or levee failure inundation zone.
- j. In coming years, higher global temperatures are expected to raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The Intergovernmental Panel on Climate Change estimates that the global average sea level will rise between 0.6 and 2 feet over the next century (IPCC, 2007). However, the project area is located at approximately 56 to 65 feet above mean sea level. There is no known history of mud flow in the vicinity. The project will not subject people or structures to a significant risk of inundation from tsunami, seiche, or mudflow.

Mitigation Measures: None required

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-c. The proposed project would not occur within an established community, nor would it result in the division of an established community. The proposed project complies with the Napa County General Plan, the Napa County Zoning Ordinance, applicable County Code sections, the Napa Valley Business Park Specific Plan, and all other applicable regulations. There are no habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (*Mines and Mineral Deposits*, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on or near the project site. No impact would occur.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. The proposed project will result in a temporary increase in noise levels during the construction of the building, parking areas, and associated improvements. Construction activities will be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. The proposed project would not result in long-term significant permanent construction noise impacts or operational impacts. Furthermore, construction activities would generally occur during the period of 7am-7pm on weekdays, during normal hours of human activity. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (N.C.C. Chapter 8.16).

c/d. The anticipated level of noise to occur following the completion of construction including the operation of the facility would be typical of a light industrial/manufacturing/warehouse/distribution use in an existing industrial park. The project is located within an industrial park and is not in an area where noise increases resulting from additional industrial development will impact sensitive receptors. The design of the proposed project, together with adherence to the County Noise Ordinance, would ensure the proposed project would not result in adverse noise impacts.

d. The proposed project site is located within compatibility Zone C of the Napa County Airport, which is an extended approach/departure zone with aircraft overflight below 300-feet above ground level. As such, persons on the project site will be exposed to noise from regular aircraft overflight. The Napa County Zoning Code, section 8.16.070 Exterior noise limits, lists the maximum allowable level for Industrial areas as 75 dBA. Based on the County General Plan Community Character Element, figure CC-1: Napa County Airport Projected Noise Levels (dBA CNEL), the project site is located outside of the airport area projected to have levels of 60 dBA or less, which is less than the maximum allowed in the Industrial area. Therefore the location of the project within the airport land use area will have a less than significant impact on people working in the project area. The nature of the uses allowed in the Industrial Park (IP) zoning is not sensitive to increased noise levels from aircraft, and is considered compatible with aircraft operations.

f. The project is not within the vicinity of a private airstrip.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The Association of Bay Area Governments' *Projections 2003* figures indicate that the total population of Napa County is projected to increase some 23 percent by the year 2030 (*Napa County Baseline Data Report*, November 30, 2005). Additionally, the County's *Baseline Data Report* indicates that total housing units currently programmed in county and municipal housing elements exceed ABAG growth projections by approximately 15 percent. The project will be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g)). The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. The policies and programs identified in the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Cumulative impacts on the local and regional population and housing balance will be less than significant.

a. The project site is currently vacant and located in a developing industrial area. The project will increase the number of jobs within the industrial park. However, given the size of the project, the new jobs are considered to be relatively small compared to the overall business park and nearby communities; therefore this increase in jobs will not contribute to a cumulatively considerable increase in the demand for housing units within Napa County and the general vicinity. As noted above, the County has adopted a Housing Element which identifies locations for new affordable housing, and adopted a development impact fee. The fee provides funds for constructing affordable housing to off-set the cumulative existing affordable housing shortage in the County. The fee is paid at the time building permits are issued. This fee is charged to all new non-residential developments based on the gross floor area of non-residential space multiplied by the applicable fee by type of use as required under Chapter 18.107, of the Napa County Code and is considered to reduce housing impacts to a less than significant level.

b/c. There are no existing homes on, or adjacent to, the project site. The project will not result in the displacement of any housing units or people.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project result in:				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The proposed project will have a less than significant impact on public services. Fire protection measures are required as part of the development and there would be no expected impact to response time as the property has good public road access. School impact mitigation fees will be levied with the building permit application. Those fees assist local school districts with capacity building measures, and by law are considered full mitigation for any impacts. The project will have little impact on public parks. County revenue resulting from building permit fees, and property tax increases will help meet the costs of providing public services to the property.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. This application proposes a new light industrial/warehouse building and on-site employment. No portion of this project, nor any foreseeable result thereof, would significantly increase the use of existing recreational facilities. This project does not include recreational facilities that would have a significant adverse effect on the environment.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or conflict with General Plan Policy CIR-16, which seeks to maintain an adequate Level of Service (LOS) at signalized and unsignalized intersections, or reduce the effectiveness of existing transit services or pedestrian/bicycle facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the Napa County Transportation and Planning Agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Conflict with General Plan Policy CIR-23, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. Weekday traffic volumes within the project vicinity consist primarily of commute traffic within the peak traffic periods, with residential flows from nearby communities and commercial, tourist, and industrial park traffic occurring throughout the day. Southern Napa County is characterized by two distinct commute traffic patterns: a Napa to Bay Area commute and a Solano County to Napa commute. The existing traffic congestion and potential cumulative impacts are primarily the result of regional growth impacts.

The Metropolitan Transportation Commission (MTC) serves as the transportation planning, coordinating and financing agency for the nine-county San Francisco Bay Area. The MTC created and maintains the Metropolitan Transportation System (MTS), a multimodal system of highways, major arterials, transit service, rail lines, seaports and airports. MTS facilities within the vicinity of the project site include State Routes 12, 29, 121, and 221, and Airport Boulevard. The State routes are maintained and operated by the California Department of Transportation (Caltrans.) The MTS is incorporated into MTC's 2001 Regional Transportation Plan (RTP), and is used as a guideline in prioritizing for planning and funding of facilities in the Bay Area.

Major improvements to both Highway 29 and Highway 12 are necessary to address existing and cumulative regional traffic congestion. The RTP and the Napa County General Plan 2008 update identify roadway improvements in South Napa County to address potential cumulative impacts. These improvements include construction of a flyover ramp at SR 12/29/221 intersection, construction of a new interchange at SR 12/Airport Blvd/SR 29 intersection, widening Jamieson Canyon (SR 12) to four lanes (recently completed), widening SR 29 to six lanes between south Airport Blvd and the south County line (in coordination with the City of American Canyon), and extending Devlin Road south to Green Island Road. These improvements are not yet fully funded, except as noted above, but are expected to be in place by 2030 addressing potential cumulative impacts in the southern part of the County.

As mandated by Napa County, projects within the industrial park are responsible for paying "fair share" costs for the construction of improvements to impacted roadways within the NVBPSP. Since 1990, the County has imposed and collected traffic mitigation fees on all development projects within the NVBPSP area. A developer's "fair share" fee goes toward funding roadway improvements within the NVBPSP area including improvements designed to relieve traffic on State Highways. The traffic mitigation fee is further described in Board of Supervisor's Resolution 08-20. For this project, a traffic mitigation fee based on PM peak hour vehicle trips will be imposed and collected prior to issuance of a building permit as determined by the Director of Public Works.

The County has established that a significant traffic impact would occur if increases in traffic from a project would cause intersections or two-lane highway capacity to deteriorate to worse than LOS E, or at intersections or two-lane highway where base case (without project) is LOS F, a significant impact is considered to occur if a project increases the base volumes by more than one percent. Napa County utilizes a one percent significance threshold for the identification of significant adverse traffic impact during peak hours of travel. This threshold was directed by the Napa County Transportation and Planning Agency. This factor has been used consistently as the significance determination for all recent EIR and CEQA documents within the NVBPSP area.

The applicant has submitted a memo from W-Trans, dated April 10, 2018, addressing trip generation rates based on the Trip Generation Manual, 10th Edition, 2017, by the Institute of Traffic Engineers (ITE) for warehousing uses. According to the memo, consideration was given to evaluating the project based on the floor area, as is common for many land uses. However, a review of standard rates for warehousing uses and a comparison of those based on area versus those based on employees indicate that the average ratio between employees and floor space is about 2,900 square feet per employee which would result in a workforce of approximately 138 employees. As noted in the project description, the facility is expected to have 20 full-time and 20 part-time employees. Application of the rates with the number of employees as the independent variable would result in 202 trips per day during typical operation with 24 trips during the morning peak hour and 26 trips during the evening peak hour. Given that the operation would require 20 full-time employees and 20 part-time employees, use of the rates based on employees appears reasonable. It is noted that as is the case with standard trip generation rates, all trips generated by the use are included, so while the independent variable is employees, trips associated with trucks making deliveries or picking up case goods, visitors and other non-employees are reflected in the rate and resulting trip estimates.

According to information from the California Department of Transportation traffic counts taken in 2014 indicate the traffic volume at the State Highway 12/29 intersection was approximately 43,500 to 62,000 average annual daily vehicle trips. Peak hour trips were approximately 3,550 to 5,100 vehicles. Traffic generated by this project will contribute less than 1% to the traffic levels on local roadways and intersections and to deterioration in their level of service. This less than 1% increase is considered a less-than-significant level with the payment of the "fair share" development impact fee prior to issuance of a building permit as described in Board Resolution No. 08-20.

- c. The project does not have any impact on air traffic patterns.
- d/e. The project includes construction of a new driveway on Devlin Road, across the undeveloped eastern portion of the property. The new driveway will also provide access to the previously approved Rocca winery located on Assessor's Parcel 057-170-007. The new driveway has been designed to comply with all County standards. The project will not result in any changes to levels of service or cause any new safety risks.
- f. The project has been designed with 241 vehicle parking spaces on-site in accordance with the requirements of the NVBPSP based on the floor area and proposed use(s). The proposed facility is expected to employ a maximum of 40 people, full and part-time. The project will not result in inadequate parking.
- g. The proposed project does not conflict with any known policies or plans supporting alternative transportation.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. Pursuant to Public Resources Code section 21080.3.1, invitation for tribal consultation was completed. One response was received from the Middletown Rancheria dated August 31, 2017. The letter indicates that while the Middletown Rancheria has no comments, they would like to be notified should any resources be found. If any resources are found during earth disturbing activities, construction of the project would be required to cease and the appropriate individuals contacted in accordance with standard conditions of approval and Mitigation Measure CULT 1, as noted above in **Section V. Cultural Resources**.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The project will occur within an urbanized area and connect to a publicly maintained wastewater treatment system. The wastewater provider, Napa Sanitation District, has provided a Will Serve letter and has found the project to be in compliance with district master plans. The District's wastewater treatment plant complies with all water quality discharge requirements, and therefore the project will comply with regional water quality control standards and therefore has a less than significant impact.
- b. The project will not require construction of any new water or wastewater treatment facilities that will result in a significant impact to the environment. The project site is located in an area planned for industrial development and existing water and wastewater treatment facilities have been sized to accommodate the proposed project.
- c. The proposed project includes the construction of new drainage facilities. The new drainage system will be designed by a qualified engineer and is subject to review and approval by the Engineering Services Division. The Engineering Services Division has included conditions of approval requiring that the drainage system be designed to avoid diversion or concentration of storm water runoff onto adjacent properties.
- d. On January 14, 2014, Governor Jerry Brown declared a drought emergency in the state of California. That declaration was followed up on April 1, 2015, when the Governor directed the State Water Resources Control Board to implement mandatory water reductions in cities and town across California to reduce water usage by 25 percent. However, on April 7, 2017, Governor Jerry Brown signed an executive order lifting California's drought emergency in all but four counties (Fresno, Kings, Tulare and Tuolumne).

The project will receive water from the City of American Canyon. On October 23, 2007, the City of American Canyon adopted a Zero Water Footprint (ZWF) Policy which defines a ZWF as "no net 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 City prepared a Water Supply Report (WSR), incorporated herein by reference, to determine if the requested water service is consistent with City ordinances, policies and practices; whether the City's water supply is sufficient to grant the request; and, establish a water allocation for the property. The WSR indicates the property has a baseline water footprint of zero gallons per day (gpd) because the project site is undeveloped and has no historic water use. The request includes an anticipated water demand of 714 gpd annualized average-day demand (AADD) and 1,304 gpd maximum day demand (MDD.) The City has determined that in order to comply with the City's Zero Water Footprint (ZWF) Policy the applicant must offset the new AADD. According to the WSR, the applicant has committed to a financial contribution to the City's Zero Water Footprint Mitigation Fund which is the primary funding source for the City's Water Conservation Program. Payment of the mitigation funds offset the property's increased AADD. In accordance with the SWR, the City has issued a will-serve letter for water service subject the ZWF offset described above and other conditions outlined in the City's letter dated February 2, 2018, and incorporated as conditions of project approval.

- e. See response "a." above.
- f. The proposed project will be served by a landfill with sufficient capacity to meet the projects demands. A less than significant impact will occur from the disposal of solid waste generated by the proposed project.
- g. The proposed project will comply with federal, state, and local statutes and regulations related to solid waste.

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIX.	MANDATORY FINDINGS OF SIGNIFICANCE				
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The site has been previously disturbed and does not contain any known listed plant or animal species. The project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. As discussed in Section IV above, although no special-status were found during site surveys, mitigation measures are proposed to conduct pre-construction surveys in the event that special-status species inhabit the site prior to construction. All potential biological related impacts would be less than significant. As identified in Section V above, no known historically sensitive sites or structures, archaeological or paleontological resources, sites of unique geological features have been identified within the project site. No historic or prehistoric resources are anticipated to be affected by the proposed project nor will the proposed project eliminate important examples of the major periods of California history or prehistory. In the event archaeological artifacts are found, a standard condition of approval and mitigation measure would be incorporated into the project. Impacts would be less than significant.
- b. The project does not have impacts that are individually limited but cumulatively considerable. Potential air quality, greenhouse gas emissions, hydrology, and traffic impacts are discussed in the respective sections above. The analysis determined that all potential impacts were less than significant and would not contribute significantly to cumulative impacts. The project does not propose new development that would have a significant impact on the environment or substantially change the existing conditions. With the imposition of standard and project specific conditions of approval, the project does not have impacts that are individually limited, but cumulatively considerable.
- c. All impacts identified in this Initial Study are less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human beings either directly or indirectly. Impacts would be less than significant.

Mitigation Measures: None required.

Nova Wine Warehouse (#P16-00456-UP)
Devlin Road, Napa, CA 94558, APN #'s 057-170-008 & 019

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Complete (Name / Date)
Biological Resources (IV)			
<p>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.</p>	<p>Planning Division</p>	<p>The permittee shall have a CRLF survey completed prior to any construction 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.</p>	
<p>BIO-2: If construction would commence anytime during the nesting/breeding season of the Swainson's hawk, northern harrier or other raptors, or other bird species listed in the Migratory Bird Treaty Act (typically February 1 through September 30), a preconstruction survey of the project vicinity for nesting birds shall be conducted. This survey shall 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 (300 feet for raptors). The survey shall also be conducted in accordance with the protocol of the Swainson's Hawk Technical Advisory Committee's (TAC) <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i>. The survey shall commence early in the Swainson's hawk nesting season (late March to early April) and surveys will be conducted within a minimum 0.25-mile radius of the Project area. The surveys shall 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 shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. If any active Swainson's hawk nests are found during the survey,</p>	<p>Planning Division</p>	<p><u>Method of Mitigation Monitoring:</u> The permittee shall have a nesting bird survey completed prior to any construction activities scheduled to occur on the site from February 1 through September 30. The survey shall also be conducted in accordance with the protocol of the Swainson's Hawk Technical Advisory Committee's (TAC) <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i>. 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 Swainson 's hawk which may include preservation of potential foraging habitat.</p>	

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Complete (Name / Date)
<p>CDFW recommends a disturbance buffer of at least a 0.25 mile to avoid a "take" or adverse impacts to Swainson's hawk. No trees or vegetation shall be removed from the project site during the breeding period. 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:</p> <ul style="list-style-type: none"> 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. <p>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.</p>			
Cultural Resources (V)			
<p>CULT-1: Construction personnel attend a brief workshop conducted by a qualified archaeologist regarding the types of materials and features that may be encountered during construction and the procedure to follow if resources are discovered.</p>	<p>Planning Division</p>	<p><u>Method of Mitigation Monitoring:</u> The permittee provide documentation to the satisfaction of the Director that the workshop has been conducted prior to any earth disturbing activities.</p>	

PROJECT REVISION STATEMENT

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Planning, Building and Environmental Services Department. For purposes of Section 69543 of the Permit Streamlining Act, the date of application completeness shall remain the date this project was originally found complete.



Signature of Property Owner(s)

Ronald M. Fedrick

Print Name

Interest

June 11, 2018

Date