



Napa – Vallejo Flea Market USE PERMIT – #P06-01511-UP

CONDITIONS OF APPROVAL

1. SCOPE:

- a) The use permit is limited to approval to operate an open-air retail market within 8.6 acres of selling area and 11.4 acres of parking and circulation including:
 1. Operations to take place one-day per week, on Sundays from 5 a.m. to 6 p.m.;
 2. Structures and Buildings: 13,724 sq. ft. building for storage, 10,000 sq. ft. of selling area within the Pepsi building, a 600 sq. ft. apartment, 1400 sq. ft. of restrooms, 840 sq. ft. office, 196 sq. ft. soda hut, 2,928 sq. ft. warehouse; and 8,516 sq. ft. of overhangs;
 3. Maximum of 757, 10 ft x 20 ft outdoor vendor sale spaces (151,400 total sq. ft. of outdoor sales area);
 4. (26) 8' x 30'; (4) 8' x 34' storage containers location referenced on the traffic and access site plan.
 5. 1,754 parking spaces;
 6. A circulation, parking, emergency access, parking, and landscape plan as attached; and
 7. Permit only parking on the east side of Kelly Road; and
 8. Vendor sales areas within Zone C, the extended Approach/Departure Zone shall not be expanded beyond areas detailed in the attached Exhibit.

The operations shall be conducted in substantial conformance with the submitted site plan and other submittal materials, except as modified by these conditions of approval. This Use Permit incorporates all 8 parcels of the project site. Should one of the 8 parcels be leased or conveyed separately for a use other than the above scope, the Use Permit will be out of conformance and will be subject to review and potential revocation. Any expansion or change in use, or other project changes, shall be subject to further County and ALUC review and approval.

2. SPECIAL CONDITIONS

- a) Permittee shall require vendors have the State Franchise Tax Board Seller Permits;
- b) Permittee shall require vendors to have the necessary business license and applicable permits;
- c) Permittee shall apprise the County of Napa Sherriff Department of any suspicious gang activity;
- d) After one-year of operation, Permittee shall meet with the County of Napa's CDCP, Fire Department, and Sheriff's Department, as well as the California Highway Patrol and City of American Fire Department. At the meeting, the owner shall disclose to the listed agencies any operational issues that arose during the preceding year. A summary of this meeting and itemization of other issues shall be reviewed by the Planning Commission and Board of Supervisors as a status report within 30-days of such meeting.
- e) Within 30-days of project approval, Permittee shall provide to the County of Napa a copy of a contract with a private, independent security company to provide one security guard per 1,000 guests.
- f) Alcohol shall be limited to three drinks per person; a designated security guard shall be present during all times of alcohol sales and consumption. Applicable ABC licenses shall be displayed at all times.

3. SIGNS:

Refer to Parking and Access for installation of no parking and permit only parking and temporary transition signage to direct patrons to Case Court as the primary entrance.

4. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

Permittee shall comply with applicable development standards of the 1986 Airport Industrial Area Specific Plan and the Industrial Park: Airport Combining (IP: AC; GI:AC) zoning regulations and all other applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:

a) Department of Environmental Management:

The establishment of any use that would involve the storage or use of more than fifty-five gallons or five hundred pounds of hazardous, infectious wastes or any amount of extremely hazardous waste as defined in Health and Safety Code Sections 25115, 25117 and 25117.5, and Title 22, Division 4, Articles 9 and 11 of the California Administrative Code or hazardous material as defined in Health and Safety Code Section 25411(c.) shall be subject to written approval by the County Department of Environmental Management and subject to issuance of a use permit by the Planning Commission prior to establishing the use.

b) Building Division requirement to obtain all applicable permits.

c) County of Napa Fire Department memo dated November 28, 2007

d) County of Napa Department of Agriculture and Weights and Measures memo dated October 22, 2007.

e) City of American Canyon Fire District memo.

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

5. LANDSCAPING:

Temporary Landscaping shall be installed within 60-days of project approval, include at least 76 large specimen trees ranging in height from 15-22 feet, and providing a visual screening from both Hwy 29 and Kelly Road. These will be rotated as needed and will be independently maintained. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.** The irrigation system shall utilize reclaimed water when it is made available in the vicinity. The boxes that house the temporary trees shall be of good design standards and construction, and be properly maintained. Location of trash and recycling cans shall be as indicated on the site plan and are subject to the Department of Environmental Management's review and approval.

6. PARKING/ACCESS/TRAFFIC:

a) The Circulation Plan attached hereto and amended as per statement received on march 26, 2008 of the request to install a double wide lane to access the south parking lot. The circulation plan is incorporated herein by reference, and shall direct the majority of traffic to the Case Court entrance, and traffic-related back up on Case Court and within the market boundaries itself.

- b) Permittee is responsible for all un-permitted/temporary improvements to comply with current Accessibility requirements.
- c) Within 30-days of approval, the Permittee Developer shall submit to County of Napa Department of Public Works Road Division a replacement signage program delineating “permit only parking” on the east side of Kelly road and “no parking” on the west side of Kelly Road. Current signs shall be removed and replacement signs shall be installed within 60-days of approval. A “transition” period shall happen within the first 30-days of parking modifications, with temporary signage, hand-outs, and verbal announcements discussing parking changes. Within 30-days of parking modifications implemented, ticketing and towing shall commence.
- d) Within 30-days of approval, the Permittee shall submit to CalTrans a request to install a deceleration lane on Hwy 29; applicable permits are contingent on CalTrans approval.
- e) Within 60-days of approval, applicant shall submit to the Department of Public Works the plans and specifications for parking lot, access lane, and interior ingress and egress modifications.
- f) During the one-year status report, if illegal parking overflow continued on County and/or State right-of-way, the Commission or the Board of Supervisors may require the Permittee to remove the payment requirement to park in the required parking area.
- g) Within 30-days of approval, the Permittee shall submit a permit-only parking arrangement and parking ticketing enforcement, and towing agreement with the County for review and approval by the County of Public Works, California Highway Patrol, and the County of Napa Sherriff Department.
- h) There shall be one traffic warden per 100 parking spaces filed.
- i) Within 30-days of approval, the Permittee shall install the “for emergency access only” gate, provide signage for designated first-aid/security station and provide applicable literature and final “Emergency Access Plan” and information to the County of Napa Fire, City of American Fire Department, and the County of Napa Sherriff Department for their records

7. OUTDOOR STORAGE/SCREENING:

No outdoor storage is permitted as part of this Use Permit above and beyond the detail within the scope under Section 1; any proposal for future outdoor storage is subject to separate review and approval by CDPD.

8. NOISE:

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment shall be muffled and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. All activities associated with this project shall be in compliance with Section 18.40.200.D, for sound.

9. 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. Construction activities shall not occur during windy periods.

10. 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 Department will be contacted for further guidance, which will likely include the requirement for the applicant to hire a qualified

professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he 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 nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

11. ADDRESSING

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

12. AIRCRAFT OVERFLIGHT EASEMENT:

Within 30-days of project approval, the Permittee shall submit verification that an aircraft overflight easement has been recorded on the property that provides for the right of aircraft operation, overflight and related noises, and for the regulation of building and accessory structure heights, light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.

13. LIGHTING:

All exterior lighting shall be shielded and directed downward, and located as low to the ground as possible to provide for adequate security, safety, and operations. As determined by the CDPD Director, motion detection sensors shall be utilized to the greatest extent practical. No flood-lighting is permitted. All lighting shall be shielded or placed such that it does not shine directly on any adjoining properties, impact aircraft overflight, or impact vehicles on adjacent streets.

14. MECHANICAL EQUIPMENT:

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

The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts,

conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.

- b) Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the CDPD Director.

15. TRASH:

- a) Permittee shall provide to the County of Napa Environmental Management a trash and recycling program and comply with that program. Permittee shall strictly monitor and ensure the picking up of trash throughout the premises.

16. STORM WATER CONTROL

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

17. MISCELLANEOUS:

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

18. INDEMNIFICATION

Permittee shall execute the standard County indemnification agreement prior to the Use Permit becoming effective.

19. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$137.00/hour as of July, 2007). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including

requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

20. AFFORDABLE HOUSING FEE:

Prior to County authorization of a Building Permit the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with Ordinance No. 1243, or as amended.