

## EXHIBIT B

### CONDITIONS OF APPROVAL

**Verizon Wireless/Capell Valley Site  
Use Permit # P013-00186-UP  
1998 Capell Valley Road, Napa CA 94558  
APN: 025-330-019**

**1. SCOPE:** Approval of a Use Permit to allow:

- a. construction of a 120- foot tall lattice telecommunication tower;
- b. installation of twelve (12) panel antennas: 71.1” in length, 23.9” in width and 7.9” in depth, GPS antennas and two six-foot diameter microwave dish antennas;
- c. placement of the tower and associated ground-mounted equipment on a 30’ by 30’ lease area on the southern portion of the property;
- d. construction of a 6’ tall wooden fence to screen the equipment building to house ground-mounted equipment;
- e. installation of a 24-hour emergency diesel-powered back-up generator and associated ground-mounted equipment within the fenced lease area;
- f. trenching for installation of underground power and telecommunication lines; and
- g. installation of emergency notification signs on the site.

The proposed project shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

**2. Final Site Plan**

Prior to building permit issuance, the permittee shall provide detailed construction drawings (a) revised as necessary to be wholly consistent with this approval, including the revised plans attached hereto and the Napa County Telecommunication Ordinance; (b) specifying the approved paint colors and the facilities planned; and (c) containing thereon a Napa County Fire Department certification indicating that the subject plans comply with all relevant provisions of the ordinance cited regarding fire protection

**3. Exterior Maintenance Program**

Prior to issuance a building permit, the permittee shall submit an Exterior Maintenance Program to the Planning, Building and Environmental Services Department. At a minimum, the Program shall require submittal of yearly reports to the Department summarizing the exterior condition of painted surfaces on the cell tower as well as other portions of the facility approved as part of this Use Permit. If required, the permittee or assigns shall repaint surfaces that have faded, chipped or have otherwise become degraded. Other portions of the facility may also be required to be repaired or replaced to ensure that the facility remains as approved by the Napa County Planning Commission.

#### **4. Air Quality**

The permittee shall comply during all construction activities with the Bay Area Air Quality Management District Basic Construction Practices (Table 8-1, May 2011) as provided below:

- a. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access (road) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. 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.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. 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.
- h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

#### **5. Constructability**

Prior to building permit issuance, the permittee shall submit written evidence that both PG&E and AT&T have found the power/telecom provision details specified on the plans and/or proposed by the applicants to be acceptable and that no new power or telephone poles or aerial lines, other than those specified on the plans and identified herein, will be required.

#### **6. Compliance with other Departments and Agencies**

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

- a. Napa County Engineering Services Division Memorandum of October 2, 2013.
  - b. Napa County Fire Department correspondence of September 19, 2013 as follows:
    1. The applicant shall maintain the facility access road to Fire Department standards.
  - c. Napa County Environmental Health Division correspondence as follows:
    1. Businesses that store hazardous materials above threshold planning quantities (55 gallons of liquid, 200 cubic feet of compressed gas or 500 pounds of solids) shall obtain a permit
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and file an approved Hazardous Materials Business Plan with the Division within 30 days of said activities. If the above amount of material is not stored on the site, the applicant shall submit the Business Activities Page indicating such.

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

## **7. Grading and Spoils**

All graded material and spoils generated by construction of project facilities shall be managed per Engineering Services Division direction. If import or export of graded material is required, a haul route plan shall be approved by the Division of Engineering Services.

## **8. 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 during windy periods.

## **9. Gravel Fire Protection Band**

Final building plans shall include the installation of a minimum 10-foot wide band of crushed gravel around the exterior perimeter of the lease area.

## **10. Cultural Resource Protection**

If historic, archeological or Native American materials or artifacts are identified during project construction, work within a 50-foot radius of such find shall cease. The permittee or contractor shall contact the Planning, Building and Environmental Services Department for further guidance, which will likely include the requirement for the permittee to retain a qualified professional to analyze the artifacts discovered and to determine if additional measures are required. If human remains are encountered during the development of the project, all work in the vicinity shall be halted and the Napa County Coroner informed. If the remains are of Native American origin, the nearest tribal relatives shall be contacted, as determined by the Native American Heritage Commission, to obtain recommendations for treating or removing such remains, including grave goods, with appropriate dignity, as required under PRC Section 5097.98. This wording shall appear on final building plans and contractor specifications.

## **11. As Built Plans**

Prior to commencement of facility use, the permittee shall submit 2 folded sets of plans reflecting the "as-built" condition of the facility. These plans shall be clearly marked as as-built-drawings.

## **12. 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

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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 resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.

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