**EXHIBIT B – CONDITIONS OF APPROVAL**

**NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT**

**PLANNING COMMISSION**

**PLANNING COMMISSION HEARING – June 4, 2014**

**ALLIED CLEAN FUELS TERMINAL USE PERMIT (P13-00436)**

**APN: #057-020-033**

1. **SCOPE:**
   1. Use Permit to develop alternative fuels servcing facility with appurtenant retail services as follows:

1. a card lock commercial fueling area with canopy and nine truck fueling islands;

2. fuel storage and fueling facilities for alternative fuels including: Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG), Propane (LPG), Diesel Emission Fuels (DEF), Diesel, and Unleaded Gasoline;

3. four retail fuel dispensers at the front of the project site;

4. an approximately 3,400 sq. ft. convenience store;

5. four station electric vehicle charging station;

6. connection to City of American Canyon water supply and Napa Sanitation District sewer system;

7. provision of 11 off-street parking space excluding electric vehicle charging stations

8. provision of decorative covered canopies for fueling islands; and,

9. landscape improvements and signage.

The facility 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 guests to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

1. **PROJECT SPECIFIC CONDITIONS:**

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document, the Project Specific Conditions shall supersede and control.

1. The final design of driveways and street frontage improvements are subject to review and approval by the County Engineer and shall comply with the Public Works and Engineering Division Road and Street Design Standards, Specific Plan Design Standards, and be in substantial compliance with the conditions set forth in their memos attached to this report.
2. During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Mitigation Measures as provided in Table 8-1, May 2011 Updated CEQA Guidelines as follows:
3. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access (road) shall be watered two times per day.
4. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
5. 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.
6. All vehicle speeds on unpaved roads shall be limited to 15 mph.
7. 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.
8. 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.
9. 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.
10. 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.

(Source: Bay Area Air Quality Management District CEQA Guidelines Updated May 2011 Table 8-1 Basic Construction Mitigation Measures)

**3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

Project conditions of approval include all of the following County, Division, Departments and Agency 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:

1. Engineering Services Division as stated in their Memorandum dated May 28, 2014.
2. Public Works Traffic Division as state in their Memorandum dated May 23, 2014.
3. Environmental Health Division as stated in their Memorandum dated May 29, 2014.
4. Fire Department as stated in their Memorandum dated March 14, 2014.
5. Napa Sanitation District as stated in their will-serve letter dated January 22, 2014, and comment letter dated March 13, 2014.
6. City of American Canyon as stated in their will-serve letter dated April 17, 2014.

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.

**4. SIGNS**

Prior to installation of any signage, a detaile comprenhensive sign plan shall be submitted to the Planning Division for review and approval, and shall comply with the provision of the Napa Valley Business Park Specific Plan. All lighting for wall or ground mounted signs 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. The comprehensive sign plan shall be subject to review and approval by the Planning Commission if any alternatives to signage standards set forth in the specific plan are requested.

**6. LIGHTING**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, 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 any adjoining properties, impact aircraft overflight, 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. Prior to issuance of any building permit pursuant to this approval, two 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 California Building Code.

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1. **LANDSCAPING**

As applicable, two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the Building Permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (WELO), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

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.

No trees greater than 6” DBH shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the landscaping plan.

1. **OUTDOOR STORAGE/SCREENING/UTILITIES**

All outdoor storage of equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and Chapter 18.106 of the Napa County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

1. **MECHANICAL EQUIPMENT**
2. 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 Planning, Building and Environmental Services Department Director may approve exceptions for solar equipment. All screening is subject to review and approval by the Director. Any skylights will be subject to review and approval by the Director prior to the issuance of building permits.

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.

1. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the Planning, Building and Environmental Services Director.
2. **COLORS**

The colors used for the roof, exterior walls and built landscaping features of the structures shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation and the applicant shall obtain the written approval of the Planning, Building, & Environmental Services Department prior to painting the building. Highly reflective surfaces are prohibited.

1. **SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS**

Please contact (707) 253-4417 with any questions regarding the following.

* 1. **TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

* 1. **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.

* 1. **STORM WATER CONTROL**

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

* 1. **PARKING**

The location of employee and visitor parking areas shall be identified along with proposed circulation and traffic control signage (if any). Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations.

In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include but, shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

1. **ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact (707) 253-4471 with any questions regarding the following.

* 1. **NOISE**

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment mufflering and hours of operation shall be in compliance with Napa 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. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed buildings.

1. **AIRCRAFT OVERFLIGHT EASEMENT**

Prior to issuance of building permits, the permittee shall submit verification that an aircraft overflight easement has been recorded on the property that provides for the right of aircraft operation, overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.

**14.** **MISCELLANEOUS**

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

1. **PREVIOUS CONDITIONS**

The permittee shall comply with all conditions of approval for the previous Allied Propane project use permit and use permit modifications, except as modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede earlier ones.

1. **ADDRESSING**

All project site addresses shall be determined by the Planning, Building & Environmental Services Director, and be reviewed and approved by the United States 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.

1. **INDEMNIFICATION**

If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the Planning, Building, and Environmental Services Department’s standard form.

1. **AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of Napa County Code Chapter 18.107 or as may be amended by the Board of Supervisors.

1. **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 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 $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.

1. **TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements. Consistent with Board of Supervisors Resolution *№* 2010-48, “Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year.”