

**“B”**

## **Exhibit B – Conditions of Approval**

**PLANNING COMMISSION HEARING – MAY 18, 2016  
EXHIBIT B – CONDITIONS OF APPROVAL**

**WALKENHORST WAREHOUSE ADDITION  
USE PERMIT (#P15-00149)  
450 TECHNOLOGY WAY, NAPA, CALIFORNIA  
APN 057-210-022**

**1.0 SCOPE**

This permit encompasses and shall be limited to:

- 1.1 Approval of a major modification to an existing approximately 37,700 square foot warehouse building to allow the following:
- a. Construction of an approximately 24,700 square foot addition;
  - b. Conversion of 2,800 square feet of the 4,700 square foot mezzanine storage space in the existing warehouse building into office, conference room, restroom, and a utility room;
  - c. Reduction in parking spaces from 131 to 98 spaces;
  - d. Reconfiguration of the parking lot;
  - e. Addition of 3 loading dock spaces;
  - f. Additional landscaping; and
  - g. A change in the hours of operation from 6:00 am - 7:00 p.m. to 5:00 a.m. – 7:00 p.m.

The building addition and site improvements shall be designed in substantial conformance with the submitted site plan, floor plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa Valley Business Park Specific Plan and Napa County Code (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 approved in accordance with County Code Section 18.124.130 Code and may be subject to the Use Permit modification process.

**2.0 PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval for the warehouse use except as they may be explicitly 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.

**3.0 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:

- 3.1 Building Division as stated in their Memorandum dated April 9, 2016.

- 3.2 Engineering Services Division as stated in their Memorandum dated November 23, 2015.
- 3.3 Environmental Health Division as stated in their Memorandum dated May 12, 2015.
- 3.4 Fire Department as stated in their Memorandum dated June 15, 2015.
- 3.5 City of American Canyon as stated in their "Will-Serve" letter dated May 20, 2015, and Water Supply Report dated June 5, 2015.
- 3.6 Napa Sanitation District as stated in their "Will-Serve" letter dated March 23, 2015, and Comment letter dated May 19, 2015.

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.

#### **4.0 TENANCY CHANGE**

Any future change of tenancy within the structure shall require review and approval by the PBES Department prior to occupancy. The permittee shall provide the PBES Department with a written profile of the proposed tenant, including name, present address, phone number, description of proposed use, employees, a list of any hazardous materials, and any other information deemed necessary by the PBES Department. The permittee shall also provide a detailed floor plan of the entire structure identifying the location and square footage of all uses within the structure prior to any new tenancy. A Use Permit modification may be triggered dependent upon the scope of the proposed changes.

Parking shall be provided in accordance with the NVBPSP upon any change of use and/or tenancy, subject to review and approval by the PBES Director. The installation of parking may be deferred until such time as building tenancy requires, subject to review and approval by the PBES Director.

#### **5.0 SIGNS**

Prior to installation of any signage, detailed plans for monument (ground mounted), directional and building mounted signage shall be submitted to the PBES Director for administrative review and approval. Building or ground mounted signs may be externally illuminated only. 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.

#### **6.0 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, shall be 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 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.

Prior to issuance of any building permit pursuant to this approval, 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 California Building Code.

## **7.0 LANDSCAPING**

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 Water Efficient Landscape Ordinance (WELO) requirements in affect at the time of building permit submittal and the Napa Valley Business Park Specific Plan. The required landscape plan shall indicate plant location, species, size at planting, quantity of each, method of planting, underground automatic sprinkler system, and similar landscape design information. The minimum size of shrubs shall be five (5) gallons. The minimum tree size shall be fifteen (15) gallons (3/4" to 1" trunk caliper).

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" diameter at breast height 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 project development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

All landscaped areas and sidewalks shall be separated from parking and drive aisle areas by a minimum 6 inch raised concrete curb. Two feet of required parking stall depth may overhang into non-required landscape planters and sidewalks. Standard sized parking stalls are required to have a minimum depth of 19 feet and compact stalls may be 16 feet. A maximum of 35% of the parking stalls may be compact.

The irrigation system shall utilize reclaimed water when it is made available in the vicinity. Any undeveloped portion of the property shall be hydro-seeded or an approved equivalent and permanently maintained.

Landscaping shall be completed prior to issuance of a Final Certificate of Occupancy, and shall be permanently maintained in accordance with the landscaping plan.

## **8.0 OUTDOOR STORAGE/SCREENING/UTILITIES**

No outdoor storage is permitted as part of this action. Any proposal for outdoor storage and screening is subject to separate review and approval by the PBES Department. New utilities required for this project shall be placed underground.

## **9.0 BICYCLE PARKING**

Bicycle parking areas shall be provided at a ratio of one bicycle parking space for every 25 employees, as applicable. At least one bicycle parking space shall be provided.

#### **10.0 MECHANICAL EQUIPMENT**

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 PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any skylights will be subject to review and approval by the PBES 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.

Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.

#### **11.0 TRASH ENCLOSURES**

The developer shall provide one or more trash enclosures (decorative masonry or equivalent), the design of which shall be compatible with the architecture of the project. The enclosure shall be reasonably accessible to employees. A minimum 8' x 10' thickened paving section shall be provided in front of each enclosure. The PBES Director shall approve the design and location of each enclosure. All trash bins shall be stored within approved trash enclosures. The enclosure shall also include a separate pedestrian walk-in access.

The developer shall provide adequate, accessible, and convenient areas for the collection and loading of recyclable materials. Collection and loading areas shall be located adjacent to trash enclosures when practical and shall contain adequate area to accommodate the recyclable waste generated by the development. All recyclable materials areas shall be accessible by collection vehicles. The PBES Director shall approve the design and location of each collection and loading area.

#### **12.0 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.

#### **13.0 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.

#### **14.0 COLORS**

Exterior finishes and colors of the building, roof, parking lot and walkways shall be subject to approval by the PBES Department, prior to the issuance of a Building Permit. Highly reflective surfaces and materials will not be permitted.

#### **15.0 SITE IMPROVEMENT CONDITIONS**

Please contact Engineering Services with any questions regarding the following:

##### **15.1 GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a Final Certificate of Occupancy.

##### **15.2 TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak (4-6 p.m.) 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.

##### **15.3 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.

##### **15.4 AIR QUALITY**

During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Best Management Practices, as provided in Table 8-1, May 2011 Updated CEQA Guidelines:

- a. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- d. 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.
- e. All vehicle speeds on unpaved roads shall be limited to 15 mph.

- f. 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.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (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.
- h. 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.

**15.5 STORM WATER CONTROL**

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

**15.6 PARKING**

All parking, driveways, and internal roadways shall comply with the Napa County Road and Street standards. Parking shall be limited to approved parking spaces only and shall not occur along public roads or in other locations. In no case shall parking impede emergency vehicle access or public roads.

**15.7 GATES/ENTRY STRUCTURES**

Any gate installed at the entrance shall be reviewed by the PBES Department and the Napa County Fire Department to assure that it is designed to allow large vehicles to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

**16.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact Environmental Health with any questions regarding the following:

**16.1 NOISE**

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling 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. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site such activities shall only occur between the hours of 8 AM to 5 PM. All activities associated with this project shall be in compliance with Section 18.40.200(D) for sound.

## **17.0 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 the development, all work in the vicinity must be, by law, 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 nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee 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.

## **18.0 ADDRESSING**

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The PBES 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.

## **19.0 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 PBES Department's standard form.

## **20.0 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 County Code Chapter 18.107.

## **21.0 MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the owner. 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 Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of 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 County Code Section 18.124.120.

**22.0 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 Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow specified limited use of the project 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.

**23.0 STATUTORY AND CODE SECTION REFERENCES**

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

**24.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS**

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full.

**25.0 PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval for the warehouse use except as they may be explicitly 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.