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Conditions of Approval

**PLANNING COMMISSION HEARING – JULY 20, 2016
CONDITIONS OF APPROVAL**

**NAPA VAULT STORAGE FACILITY
USE PERMIT #P14-00296-UP & TENTATIVE MAP #P15-00298-TM
SOSCOL FERRY ROAD, NAPA, CA 94558
APN 057-170-018**

1.0 SCOPE

The permit encompasses and shall be limited to:

1.1 Approval of Use Permit #P14-00296-UP to allow the following:

- a. construction of 130 industrial concrete tilt up personal storage units in 11 buildings, maximum 35 feet in height, for a total building area of 152,348 sq.ft., plus a common area;
- b. construct paved areas between buildings, minimum 60 feet in width including 13 designated parking stalls;
- c. construct seven restrooms;
- d. install an on-site waste disposal system, a new well, a new water system and one 110,000 gallon water storage tank;
- f. installation of frontage landscaping with a 10' wide multi-purpose path; and,
- g. sale of 128 personal storage units as individual condominium units.

1.2 Approve a modification of Tentative Map #P09-00100-PM to:

- a. create 128 condominium storage units, one owner storage unit and one common area;
- b. create and record covenants, conditions, and restrictions for the property and storage facility; and,
- c. establish an Owners Association for 128 owners for enforcement of covenants, conditions and restrictions.

The storage 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 (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 County Code Section 18.124.130 Code and may be subject to the Use Permit modification process.

2.0 PROJECT CONDITIONS

Should any of the Conditions conflict with any of the conditions included in this document, the more specific Conditions shall supersede and control.

2.1 Mitigation Measures

The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project, inclusive of the following:

a. Mitigation Measure (Biological Resources)

To mitigate potential impacts due to the conversion of non-native grassland habitat pursuant to the California Department of Fish and Wildlife Section 1602 Lake and Streambed Alteration Agreement on the property, the following measure shall be implemented:

A qualified biologist shall conduct a pre-construction survey to determine the presence or absence of Swainson's hawk nest on the project site. If nesting is determined, an adequate buffer zone around the active nest shall be established in consultation with CDFW. The buffer zone shall be maintained for the duration of the nesting season, typically February through August, and monitored weekly to assure compliance and success of this action.

Method of Monitoring: This mitigation measure is required by the use permit conditions, and required prior to issuance of a grading permit.

Responsible Agency: Planning, Building and Environmental Services; California Department of Fish and Wildlife (CDFW)

b. Mitigation Measure (Biological Resources)

To mitigate potential impacts due to removal/disturbance of possible active raptor nests, the following measure shall be implemented:

Prior to grading and/or tree removal, a qualified biologist shall conduct pre-construction surveys to determine the presence or absence of all birds protected under the Migratory Bird Treaty Act and the California Fish and Game Code. If present, the habitat or trees should not be removed until the end of the breeding season, and an appropriate setback buffer from construction activities be defined, as determine in consultation with CDFW.

Method of Monitoring: This mitigation measure is required by the use permit conditions and required prior to issuance of a grading permit.

Responsible Agency: Planning, Building and Environmental Services; CDFW.

c. Mitigation Measure (Biological Resources)

To ensure that the possible presence of steelhead trout in the creek is not adversely affected by restoration activities:

Any work within the channel of Suscol Creek must be performed in accordance with CDFW protocols including consultation prior to commencing activities, best management practices to prevent unnecessary disturbance of creek areas, and timing of activities during appropriate low-flow seasonal periods.

Method of Monitoring: This mitigation measure is required by the use permit conditions and required prior to issuance of a grading permit.

Responsible Agency: Planning, Building and Environmental Services; CDFW.

d. Mitigation Measure (Biological Resources)

To mitigate possible impacts within the jurisdictional drainage swale:

Prior to commencing grading, the permittee shall obtain a Nationwide 24 Permit for grading and revegetation activities that will occur within the unnamed drainage channel, pursuant to the requirement of Section 404 of the Clean Water Act and subject to authorization by the U.S. Army Corps of Engineers as stipulated in their letter of February 2, 2006. Nationwide permitting is allowed for the proposed drainage and vegetation enhancements proposed with the project.

Method of Monitoring: This mitigation measure is required by the use permit conditions and required prior to issuance of a grading permit..

Responsible Agency: Planning, Building and Environmental Services; Army Corps of Engineers.

e. Mitigation Measure (Hydrology & Water Quality)

To mitigate potential construction related impacts to downslope riparian areas, the following measure shall be implemented:

Temporary high visibility fencing shall be used 50 feet away from the outside edge of the riparian habitat for the duration of construction activities in order to prevent inadvertent impacts from encroachment into this community. Where project improvement plans require construction activities to occur within that 50-foot buffer, fencing shall be placed at the limits of the required construction activity. Placement of the fencing should be determined by a qualified biologist prior to construction and monitored at least once a month by County staff during the construction period to assure the success of this action.

Method of Monitoring: This mitigation measure requires submission of a grading permit.

Responsible Agency: Planning, Building and Environmental Services.

2.2 PERSONAL STORAGE USE

The use of the storage units shall be limited to the storage of personal storage items and shall not be used for commercial automotive repair, commercial sales, or any industrial or manufacturing activities. The permittee shall also include this limitation in the Covenants, Conditions and Restriction to be recorded with the tentative map.

2.3 The Section 1602 Lake and Streambed Alteration Agreement filed with the California Department of Fish and Wildlife (CDFW) regarding the habitat enhancement shall be amended as needed.

2.4 COUNTY SURVEYOR

The subdivider shall submit a Final Parcel Map to the Department of Public Works for review and approval by the County Surveyor. The subdivider shall pay the map checking fee as established by resolution of the Napa County Board of Supervisors in effect at the time of submittal of the Final Parcel Map.

2.5 CC&Rs

Prior to recording the Final Map, the subdivider shall submit the final Conditions, Covenants and Restrictions (CC&Rs) to the PBES Director and County Counsel for

review and approval. The CC&Rs shall indicate all improvements and features to be maintained by the owners association, and the method of maintenance and financing of those commonly owned site and building improvements and features.

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 Engineering Services Division as stated in their Memorandum dated March 22, 2016.
- 3.2 Environmental Health Division as stated in their Memorandum dated May 27, 2016.
- 3.3 Department of Public Works as stated in their Memorandum dated September 15, 2016.
- 3.4 Fire Department as stated in their Inter-Office Memo dated April 13, 2016.

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 SIGNS

Prior to installation of any project identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning, Building and Environmental Services Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in County Code Chapter 18.116.

5.0 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.

6.0 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.

7.0 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.

8.0 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.

9.0 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.

10.0 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.

11.0 MISCELLANEOUS

Any crane used in the construction of the project 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.

12.0 GROUND WATER MANAGEMENT – WELLS

Please contact the Planning Division with any questions regarding the following:

- a. The permittee shall (at the permittee's expense) maintain data regarding monthly well monitoring and the total annual groundwater pumped. Such data shall include water extraction volumes and static well levels of the well. All monitoring shall commence within six months of the issuance of this Permit, or immediately upon commencement of the expansion authorized by this Permit, whichever occurs first, and shall be submitted not later than January 31st every calendar year thereafter and available upon the County's request at any other time.

Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- b. No new on-site or off-site water sources (other than those evaluated or approved as part of this Permit) proposed to be used for the facility, including but not limited to wells, imported water, new or existing ponds/reservoir(s) or other surface water impoundments, to serve the facility, shall be allowed without additional environmental review, if necessary, and may be subject to a modification to this permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- c. Permittee shall limit groundwater use for the project to .63 acre-ft. per year. Any exceedance of this amount in a calendar year is a material breach of this permit.
- d. If water use for the project from the well exceeds .63 acre-ft. per year in a calendar year by 10% or more (a significant exceedance), the permittee shall both immediately notify the County and cease any activity causing the exceedance, shall begin daily well monitoring, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition.

The PBES Director may set this Permit for a revocation or modification hearing before the Planning Commission within 60 calendar days of discovery of the significant exceedance for possible modification, revocation, or suspension.

- e. If the water use for the facility from the well exceeds .63 acre-ft. in a calendar year by less than 10%, the permittee shall notify the County, and promptly provide a report of the following:
 1. water volume used;
 2. the reason for exceedance;
 3. the plan the facility has for reducing water use so as not to exceed the allocation the following year; and
 4. other information that may be affecting water use.

If after two calendar years of reporting the monitoring shows that the annual water allocation identified above continues to be exceeded by less than 10%, the PBES Director shall schedule the Permit for review by this Planning Commission and possible modification, revocation or suspension.

- f. The permittee shall be required to include the well in the County's Groundwater Monitoring program upon the County's request.

13.0 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.

14.0 SITE IMPROVEMENTS CONDITIONS

Please contact Engineering Services with any questions regarding the following.

14.1 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.

14.2 TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall 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.

14.3 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.

14.4 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). 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.

14.4 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.

14.5 PARKING

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

14.6 GATES/ENTRY STRUCTURES

Any gate installed at the property's entrance shall be reviewed by the Planning, Building & Environmental Services Department and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, 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.

15.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact Environmental Health with any questions regarding the following.

15.1 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 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 mechanical equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.

16.0 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 Planning, Building and Environmental Services 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.

17.0 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.

18.0 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 Planning, Building, and Environmental Services Department's standard form.

19.0 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.

20.0 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.

21.0 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.

22.0 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.

23.0 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.