Planning Commission Staff Report

Date:	March 9, 2011
Case No.:	5.1248 CUP
Application Type:	Conditional Use Permit (Service Uses)
Location:	670 Garnet Avenue
Applicant:	Border Valley Trading Company
Zone:	M-1-P (Research and Development Park Zone)
General Plan:	RBC (Regional Business Center)
APN:	666-330-088 (recently changed to 666-430-011)
From:	Craig A. Ewing, AICP, Director of Planning Services
Project Planner:	Ken Lyon, Associate Planner

PROJECT DESCRIPTION

The proposed project is a liquefied natural gas (LNG) fuel service facility for a private fleet of LNG fueled trucks. The re-fueling facility has been determined by Staff to be a "Service Use". Service uses are permitted in the M-1-P zone subject to approval of a Conditional Use Permit (CUP)[1].

The project is proposed in three phases: Phase 1 is a "temporary" LNG tank, dispensing unit, landscaping and a portable toilet, installed on the east half of the site while the first main permanent tank, dispensing units and a masonry toilet building (phase 2) are being constructed on the west half. Phase 3 involves the installation of a second permanent LNG storage tank. The tanks are proposed to be mounted vertically, above ground.

[1] Pursuant to Zoning Code Section 92.16.01(D)(13) Uses permitted in the M-1 zone are permitted in the M-1-P zone subject to a CUP. Pursuant to Section 92.17.01(D)(14) "Service Uses" are permitted in the M-1 zone subject to a CUP.

RECOMMENDATION

That the Planning Commission approves a Conditional Use Permit for an LNG fueling facility as a service use at 670 West Garnet Avenue, subject to the attached conditions of approval.

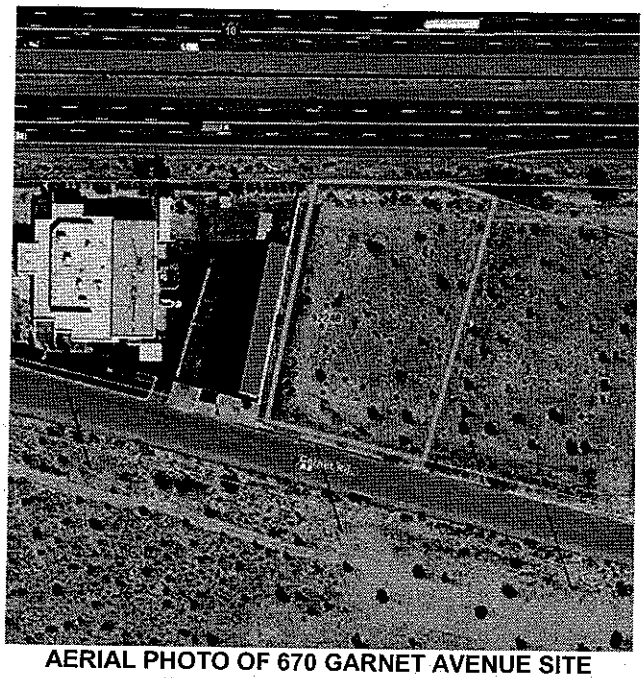
PRIOR ACTIONS TAKEN ON THE PROJECT:

On March 10, 2010, the Planning Commission reviewed the project as a Pre-application (PA 10-001) and provided the applicant comments.

On September 20, 2010, the Architectural Advisory Committee reviewed Case 5.1248 CUP and voted 6-0-1 (Parker abstained) to recommend approval of the project as submitted to the Planning Commission.

BACKGROUND AND SETTING:

The applicant, Border Valley Trading, is proposing construction of a private liquefied natural gas (LNG) service facility on an approximately one acre site (0.94 acres) on the north side of Garnet Avenue. Garnet Avenue is a secondary thoroughfare on the City's General Plan Circulation Map. The site would provide a re-fueling service use for private fleet of Liquefied Natural Gas powered semi-tractor trailer trucks. The site is not open to the public and the fuel would not be sold to the public. LNG is a cleaner-burning fuel alternative to diesel. The Port at Long Beach has created incentives for larger trucking fleets to convert their fleet to cleaner burning fuels to reduce emissions in the port area. The applicant, Border Valley Trading, and another company, Hayday Trucking Inc., have fleets of such trucks and require a station in this vicinity as a mid-point fueling facility between the Imperial Valley and the Port of Los Angeles.



AERIAL PHOTO OF 670 GARNET AVENUE SITE

The back of the site faces the I-10 freeway. The site is west of Indian Canyon Drive on a lot immediately east of the former BLM offices. The site is currently vacant.

The project is proposed in three phases. Phase 1 is a 6,000 gallon fuel storage tank and fueling pump. It would not be open to the public[2]. In addition to the tank and pump, a portable toilet would be provided on the site. This "temporary" fueling tank is anticipated to be in place for roughly two years.[3] Other site improvements such as perimeter fencing, walls, gates, stormwater retention basins and landscaping along Garnet Avenue would be installed in Phase 1. An estimated capacity of four to five vehicles per hour could be served (roughly 50 vehicles per day).

Phase 2 consists of construction of a permanent 15,000 gallon storage tank, fueling pumps, a masonry toilet building and landscaping toward the rear corners of the site fronting the freeway. The vertically-mounted tank would be roughly forty (40) feet in height and fifteen (15) feet in diameter. The toilet building would be roughly nine feet in height. A paved area adjacent to the toilet facility will be provided for a picnic table and vending machines. When Phase 2 is complete, the Phase 1 tank, pump and portable toilet would be removed from the site.

Phase 3 consists of a second 15,000 gallon storage tank and fueling pumps. The finished site would be capable of handling two vehicles at one time and would have room for an additional vehicle or two to queue on-site.

The project is being proposed to provide an intermediate service station between Redding and Blythe for a privately-owned fleet of LNG-fueled trucks. An LNG fueling station operated by Clean Energy Inc, in Thousand Palms recently closed, necessitating the construction of the proposed fueling station. The site is expected to be used roughly between the hours of 6:00 a.m. and midnight, seven days a week.

The project site would be fully enclosed at the perimeter with fences, walls and gates and the site frontage along Garnet Avenue would be landscaped[4]. Those portions of the site that are not paved would be provided with gravel/rock groundcover for dust control. The rear of the parcel abuts the Interstate-10 right of way and the site is visible from the freeway. A portion of the rear of the site would be left in its naturalized state with creosote scrub vegetation. Unlike CNG (compressed natural gas) fueling facilities, passenger cars, small trucks and other public or municipal fleet vehicles are not the anticipated users of this station. A private fleet of large semi-tractor/trailer vehicles are the primary vehicle type that would use this service center. (Owned by Border Valley Trading and Hayday Trucking, Inc.)

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[2] The applicant states the facility may eventually be available to the public but not until roughly 2020. Staff has proposed a Condition of Approval that the subject CUP be amended to require conformance with Zoning Code Section 94.02.00(H) (2) Conditions for Specific Uses – Automobile Service Stations in the event the service center is proposed to be open to the public.

[3] Staff has imposed a condition of approval that the permanent toilet facility and rear-lot landscaping must be installed within two years of initial CUP approval or with the construction of Phase 2, whichever comes first.

[4] A key card entry system will be provided at the gate to control access to the site.

The proposed service center would be located close to the new east bound off ramp that is part of the recently begun reconstruction of the I-10 / Indian Canyon Drive interchange. This off ramp will provide convenient on-off access for vehicles from the I-10 to the proposed station.

ANALYSIS:

General Plan:

The General Plan land use designation at the proposed site is Regional Business Center (RBC). The RBC is intended to accommodate a variety of uses. Commercial, office and industrial uses that can be supported by their proximity to the freeway are encouraged in this area. Staff believes the proposed LNG station is consistent with the policies of the General Plan RBC land use designation because it is a commercial use supported by a private fleet of LNG trucks that require a mid-point refueling facility in this vicinity along the freeway, and thus is a use that is complementary and appropriate given its adjacency to the freeway. The following General Plan policies are cited in support of this assertion:

> *RC8.2 "Support and encourage the use of alternative energy sources..."*

The proposed LNG fueling facility supports a private truck fleet that uses an alternative energy (fuel) source (liquefied natural gas).

> *RC8.4 "Encourage "green technologies" renewable energy, and related activities as a business development goal and to attract this type of business activity to Palm Springs."*

Supporting the creation of an LNG fueling facility in Palm Springs adjacent to the I-10 freeway promotes and encourages the use of cleaner, alternative fuel vehicles.

Zoning:

The proposed project lies in the Planned Research and Development Park (M-1-P) zone. The proposed use most closely resembles a service use, which is permitted in this zone subject to a CUP and the development standards of the M-1-P zone shown in the table below.

Table 2: Proposed project compared to the M-1-P Zone Development Standards:

	M-1-P Zone Requirements	Proposed Project
Minimum Lot Size	60,000 sf when fronting a secondary thoroughfare	40.842 (legal non-conforming)
Minimum Lot width & depth	200 feet x 200 feet	250 depth x 160 width (legal non-conforming)
Building Height	Up to 30 feet on lots less than 1 acre. Up to 40 feet when lot is 1 acre or more, setback ratio 1 to1.	40 foot tall tank, 9 foot tall for toilet building. Proposed tanks conform to 1 to 1 setback ratio. Site is almost 1 acre (0.94 acre) in size.
Setbacks	25 foot front yard w/ min. 10 feet landscaped	25 feet fully landscaped (conforms)

Landscape	Min 10 feet front. 5 feet side as required by the PC	25 feet front and rear corners (conforms)
Fencing	Maximum 8 feet side and rear, 6 feet front at 25 feet back from front property line	8 feet chain link side and rear, 6 foot block wall front (conforms)
Outdoor Stor.	Screened & enclosed	None proposed (conforms)

FINDINGS

Service uses may be approved in the M-1-P zone subject to the findings set forth in Section 94.02.00 "*Conditional Use Permit*". Review of commercial projects must also be evaluated against the Architectural Review Guidelines of Section 94.04 (*"Architectural Review".,)* That review is evaluated below.

Findings for the CUP for the proposed fueling station use:
The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

a. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

The application proposes a service use to support a fleet of private Liquefied Natural Gas fueled trucks. It is proposed on a roughly 0.94 acre parcel zoned M-1-P. Pursuant to PSZC Section 92.16.01(D)(13) via 92.17.01(D)(14) Service Uses that are permissible in the M-1 zone are also permissible in the M-1-P zone subject to a conditional use permit (CUP).

b. *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

The applicant is proposing a fuel service facility for an alternative energy fuel (Liquefied Natural Gas). The truck fleets that use this fuel emit lower levels of pollutants into the atmosphere. The proposed use is believed to be consistent with the General Plan and substantially conforms to the Zoning Code development standards for the M-1-P zone. The proposed service station will be constructed and operated in accordance with all applicable regulatory standards and codes. Staff believes this is an appropriate use for this freeway-adjacent site in the M-1-P zone.

c. *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The site on which the proposed LNG service facility is located is roughly 40,832 gross

square feet (0.94 acres). Although the lot is smaller than the current zoning code requires, it is a legal non-conforming lot and the proposed tanks and other structures conform to the required setbacks, height restrictions and other development standards of the zone.

d. *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The site has direct access to Garnet Avenue which is a secondary thoroughfare on the City's General Plan Circulation Map. Traffic studies were conducted for the proposed uses and it was determined that the project does not cause any adverse impacts on traffic patterns in the vicinity. The project therefore conforms to this finding

e. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

A proposed set of Conditions of Approval accompany this staff report in Exhibit A.

Architectural Review:
The Zoning Code requires that applications for construction of commercial structures must be reviewed subject to Zoning Code Section 94.04.00(D)(1-9) "*Architectural Review*". The review of such projects is required "*to determine that the proposal will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and color*". Conformance is evaluated, based on consideration of the following:

1. *Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking areas;*

The project is proposed on a site that is slightly less than one acre in size. The site layout provides queuing for trucks to avoid trucks stacking up in the right of way of Garnet Avenue. The project conforms to the setback requirements for the zone and provides distinct separation between vehicular areas and pedestrian areas.

2. *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

The project is surrounded by other existing commercial and industrial uses and open space. It is an area developed primarily with freeway-service uses such as restaurants, truck stops, fueling stations and convenience stores. The proposed front wall and the

toilet building are proposed to be constructed with split face concrete block. Staff believes the project conforms to this statement.

3. *Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens towers or signs) and effective concealment of all mechanical equipment;*

At full buildout, the project proposes two vertical LNG storage tanks approximately 40 feet in height and 15 feet in diameter. The tanks would be set back to conform to the one-to-one criteria for structures greater than 30 feet in the M-1-P zone. The tanks will be set within a spill containment wall and there is fencing and walls at the perimeter of the site. Landscaping is proposed at the front of the site and at the rear corners of the site to partially screen views of the tanks from the freeway. Staff has concluded the project conforms to this statement.

4. *Building design, materials and colors to be sympathetic with desert surroundings; AND*
5. *Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously, AND*
6. *Consistency of composition and treatment,*

The project proposes two vertical storage thanks painted in a light neutral color. The perimeter walls and toilet building are proposed in split face concrete block in a neutral color. The project was reviewed by the Architectural Advisory Committee which, by a vote of 6-0-1, recommended it for approval by the Planning Commission. Staff has concluded the project is sympathetic with its surroundings, and offers a good visual composition and architectural treatment within the context of this freeway-adjacent site.

7. *Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;*

The project proposes to install drought-tolerant plant species deemed appropriate to the desert environment and the windy zone in which the project is proposed. There are no landmark or specimen plants or trees on the site. The project is therefore deemed in conformance with this statement.

CONCLUSION

The project is consistent with the goals and policies of the City's General Plan. It is in conformance with the findings of the Zoning Code for a Conditional Use Permit. Staff therefore recommends approval subject to the conditions of approval attached.

ENVIRONMENTAL ASSESSMENT

The proposed application is a project as defined under the guidelines of the California

Environmental Quality Act (CEQA). An Initial study has been conducted, evaluating the potential environmental impacts of the proposed project. It was determined that the project could potentially cause substantial impacts, however all of these impacts could be reduced to less than significant levels with the proposed mitigation measures. A twenty day public comment period was provided. Planning Commissioners received copies of the environmental analysis as part of this twenty-day public review period. Comments were received and no new information was discovered that would change the City's conclusion regarding the impacts of the project. A typographical correction in Mitigation Measure XIV-B has been made, correcting the turning radius from 73 feet to 43 feet. This is consistent with the Fire Department requirements for fire access roads. The applicant has agreed in writing to all the mitigation measures as corrected, therefore the staff recommends the Planning Commission adopts a Mitigated Negative Declaration with respect to CEQA.

NOTIFICATION

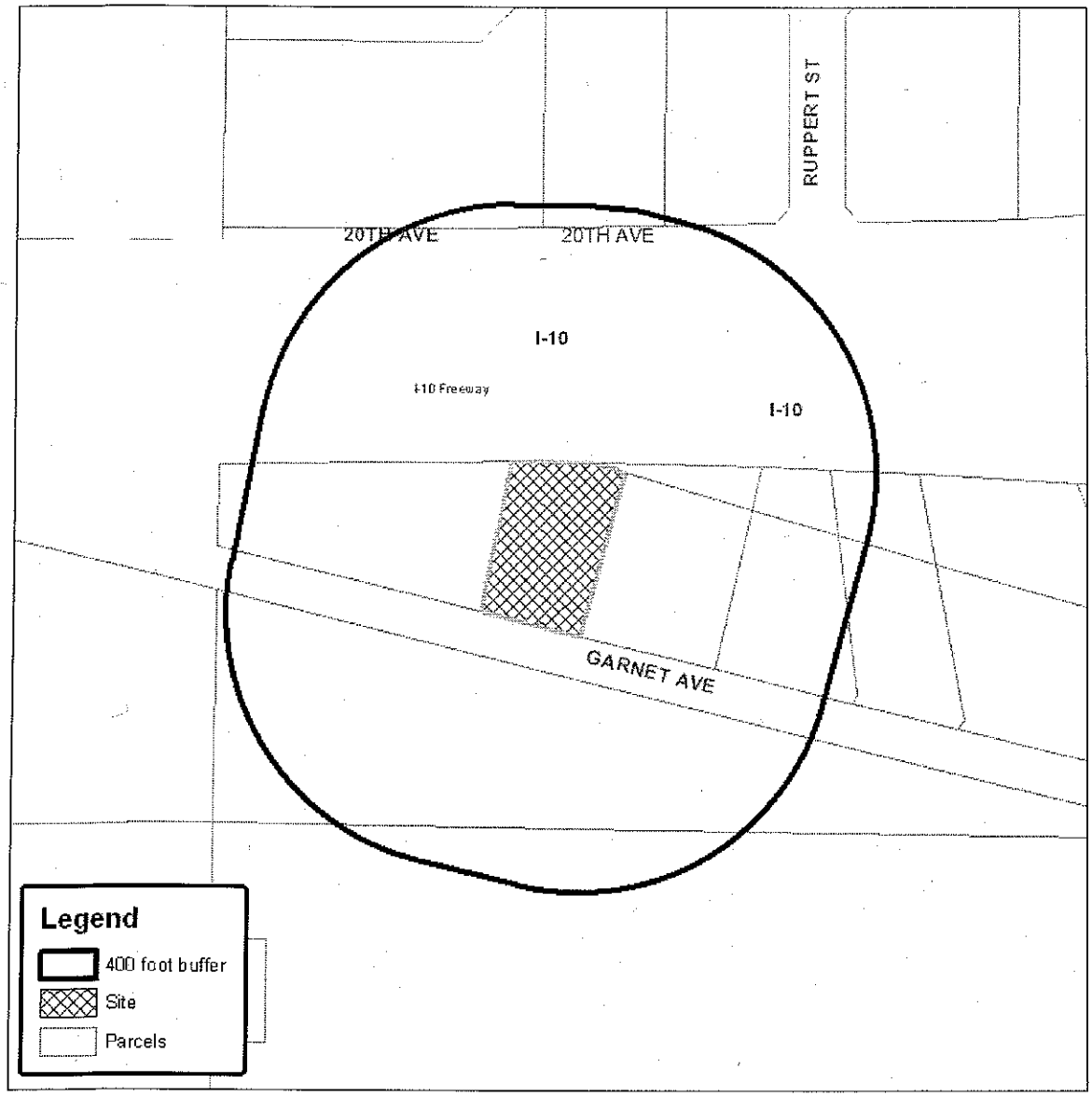
Notice was provided to all properties within a 400 foot radius of the project site. To date, no public comments have been received with respect to the application.

Ken Lyon,
Associate Planner

for Craig A. Ewing, AICP
Director of Planning

ATTACHMENTS:
1. Vicinity Map
2. Draft Resolution with Conditions of Approval
3. Project Description and Photos
4. Reduced plans and elevations

Department of Planning Services
Vicinity Map



CITY OF PALM SPRINGS

CASE: 5.1248 CUP APPLICANT: Border Valley Trading Company	DESCRIPTION: A Conditional Use Permit application for a proposed liquefied natural gas fueling facility at 670 Garnet Avenue; Zone M-1-P (APN 666-430-011 (formerly 666-330-088 and 666-330-064)

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF CASE 5.1248 CUP, A CONDITIONAL USE PERMIT FOR A LIQUEFIED NATURAL GAS FUEL SERVICE FACILITY AT 670 WEST GARNET AVENUE, ZONE M-1-P, SECTION 15. TOWNSHIP 3S, RANGE 4E; APN 666-330-088 (recently changed to 666-430-011).

WHEREAS, Border Valley Trading, Inc, "applicant", has filed an application with the City pursuant to Section 94.02.00 (Conditional Use Permit) of the Zoning Code seeking approval to establish a liquefied natural gas (LNG) fueling station at 670 West Garnet Avenue; and

WHEREAS, on September 20, 2010, the Architectural Advisory Committee met and voted 6-0-1 to recommend approval of the project to the Planning Commission; and

WHEREAS, a notice of public hearing for Case 5.1248 CUP was given in accordance with applicable law; and

WHEREAS, on March 9, 2011, a public meeting on Case 5.1248 CUP was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") An Initial Study was conducted and the project was found to cause potentially significant impacts to the environment. Mitigation measures have been proposed reducing any potentially significant impacts to less than significant. The applicant has agreed in writing to all proposed mitigation measures. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public comment for a period of 20 days. No new information was discovered that would require further analysis under CEQA; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the Planning Commission adopts a Mitigated Negative Declaration including mitigation measures that reduce any potentially significant impacts caused by the project to less than significant.

Section 2: Pursuant to PSZC Section 94.02.00 (Conditional Use Permit), the Planning Commission finds as follows:

The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

a. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

The application proposes a service use to support a fleet of private Liquefied Natural Gas fueled trucks. It is proposed on a roughly 0.94 acre parcel zoned M-1-P. Pursuant to PSZC Section 92.16.01(D)(13) via 92.17.01(D)(14) Service Uses that are permissible in the M-1 zone are also permissible in the M-1-P zone subject to a conditional use permit (CUP).

b. *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

The applicant is proposing a fuel service facility for an alternative energy fuel (Liquefied Natural Gas). The truck fleets that use this fuel emit lower levels of pollutants into the atmosphere. The proposed use is believed to be consistent with the General Plan and substantially conforms to the Zoning Code development standards for the M-1-P zone. The proposed service station will be constructed and operated in accordance with all applicable regulatory standards and codes. Staff believes this is an appropriate use for this freeway-adjacent site in the M-1-P zone.

c. *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The site on which the proposed LNG service facility is located is roughly 40,832 gross square feet (0.94 acres). Although the lot is smaller than the current zoning code requires, it is a legal non-conforming lot and the proposed tanks and other structures conform to the required setbacks, height restrictions and other development standards of the zone.

d. *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The site has direct access to Garnet Avenue which is a secondary thoroughfare on the City's General Plan Circulation Map. Traffic studies were conducted for the proposed uses and it was determined that the project does not cause any adverse impacts on traffic patterns in the vicinity. The project therefore conforms to this finding

e. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare*

and may include minor modification of the zone's property development standards.

A proposed set of Conditions of Approval accompany this staff report in Exhibit A.

Section 3: Findings for Architectural Review. The Zoning Code requires that applications for construction of commercial structures must be reviewed subject to Zoning Code Section 94.04.00(D)(1-9) "*Architectural Review*". The review of such projects is required "*to determine that the proposal will provide a desirable environment for its occupants as well as being compatible with the character of adjacent and surrounding developments, and whether aesthetically it is of good composition, materials, textures and color*". Conformance is evaluated, based on consideration of the following:

1. *Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking areas;*

The project is proposed on a site that is slightly less than one acre in size. The site layout provides queuing for trucks to avoid trucks stacking up in the right of way of Garnet Avenue. The project conforms to the setback requirements for the zone and provides distinct separation between vehicular areas and pedestrian areas.

2. *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted;*

The project is surrounded by other existing commercial and industrial uses and open space. It is an area developed primarily with freeway-service uses such as restaurants, truck stops, fueling stations and convenience stores. The proposed front wall and the toilet building are proposed to be constructed with split face concrete block. Staff believes the project conforms to this statement.

3. *Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens towers or signs) and effective concealment of all mechanical equipment;*

At full buildout, the project proposes two vertical LNG storage tanks approximately 40 feet in height and 15 feet in diameter. The tanks would be set back to conform to the one-to-one criteria for structures greater than 30 feet in the M-1-P zone. The tanks will be set within a spill containment wall and there is fencing and walls at the perimeter of the site. Landscaping is proposed at the front of the site and at the rear corners of the site to partially screen views of the tanks from the freeway. Staff has concluded the project conforms to this statement.

4. *Building design, materials and colors to be sympathetic with desert surroundings; AND*
5. *Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously, AND*
6. *Consistency of composition and treatment,*

The project proposes two vertical storage thanks painted in a light neutral color. The perimeter walls and toilet building are proposed in split face concrete block in a neutral color. The project was reviewed by the Architectural Advisory Committee which, by a vote of 6-0-1, recommended it for approval by the Planning Commission. Staff has concluded the project is sympathetic with its surroundings, and offers a good visual composition and architectural treatment within the context of this freeway-adjacent site.

7. *Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials;*

The project proposes to install drought-tolerant plant species deemed appropriate to the desert environment and the windy zone in which the project is proposed. There are no landmark or specimen plants or trees on the site. The project is therefore deemed in conformance with this statement.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1248 - CUP for the establishment of a liquefied natural gas fuel service use at 670 West Garnet Avenue, subject to the attached conditions set forth in Exhibit A.

ADOPTED this ___ day of _____ 2011.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

_____
Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO._____

EXHIBIT A

Case 5.1248 CUP Border Valley Trading for a
Conditional Use Permit for a Liquefied Natural Gas Fueling Facility
At 670 Garnet Avenue; Zone M-1-P

March 9, 2011

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

ADM 1. Project Description. This approval is for the project described per Case 5.1248 CUP; except as modified with the approved Mitigation Monitoring Program and the conditions below;

ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (November 15, 2010), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.

ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.

ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.

ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case 5.1248 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

ADM 7. Time Limit on Approval. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.

ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first $100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts

Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).

ADM 22. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ADM 23. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers (conditional use permits only)

ENVIRONMENTAL ASSESSMENT CONDITIONS

ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.

ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.

ENV 4. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.

ENV 5. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities. (check for duplication in engineering conditions)

ENV 6. a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.

b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed

to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.

PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and any state water efficiency ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the Desert Water Agency that they are in conformance with the State Water Efficient Landscape Ordinance. Refer to Chapter 8.60 of the Municipal Code for specific requirements. (See Chapter 8.60.020 for exemptions)

PLN 3. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.

PLN 4. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as off-white, beige or tan.

PLN 5. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.

PLN 6. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.

PLN 7. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.

PLN 8. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 9. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 10. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.

PLN 11. The rear yard landscaping and permanent toilet facilities must be installed within two (2) years from the date of approval of this Conditional Use Permit or with the construction of Phase 2 of the scope of work, whichever comes first.

PLN 12. The Conditional Use Permit approval is for a service center use associated with a private re-fueling facility for a fleet of privately owned LNG fueled trucks owned by Border Valley Trading and Hayday Trucking. In the event that the fueling facility is made available for use by the public or for LNG vehicles owned by other private fleet operators, the CUP shall be amended to require conformance with Zoning Code Section 94.02.00(H)(2) *"Conditions for Specific Uses – Automobile Service Stations".*

PLN 13. (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

BUILDING DEPARTMENT CONDITIONS

BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

ENGINEERING DEPARTMENT CONDITIONS

STREETS

ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

GARNET AVENUE

ENG 2. Construct two 24 feet wide driveway approaches in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approaches shall be located approximately 30 feet from the east and west property lines, respectively. The east driveway shall be used for ingress only and the west driveway shall be used for egress only.

ENG 3. The existing fire hydrant located adjacent to the proposed west driveway shall have clearance in accordance with Mission Springs Water District standards and may need to be relocated in conjunction with this project.

ENG 4. Construct a Type C curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 214. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

ENG 5. The existing driveway approach located at the southwest corner of the project site shall remain in place.

ENG 6. Construct a 5 feet wide sidewalk behind the existing curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 7. All broken or off grade street improvements shall be repaired or replaced.

ON-SITE

ENG 8. No structure, obstructions, or encroachments shall be located within the existing 8.5 feet wide drainage easement along the west property line.

ENG 9. No structure shall be located within the 10 feet wide public utility easement along the south property line.

ENG 10. Both the east and west driveways shall be gated and locked; and lock box key(s) provided to the Fire Department for emergency access.

ENG 11. In accordance with the Fire Department requirement of a minimum 43 feet wide turning radius for large emergency vehicles entering and exiting the project, and driving on the site during and after construction, the applicant shall provide an exhibit showing truck turning movements around the project entry, exit, and at the turns at the north end of the on-site roadway, demonstrating the ability of standard size tanker trucks, as well as fire trucks, to maneuver through those areas.

ENG 12. The minimum pavement section for all on-site pavement shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 13. In accordance with the mitigation measure MM VIII-A included in the Mitigated Negative Declaration adopted for the project: *The project proponent shall ensure*

that the project adheres to the established and conditioned safety standards related to LNG fueling facilities.

ENG 14. In accordance with the mitigation measure MM XIV-B included in the Mitigated Negative Declaration adopted for the project: *The project applicant shall ensure that proper unobstructed site access is provided to the Department during and after construction. This includes an access road with the proper weight capacity (73,000 lbs.) and turning radius (43 ft.).*

SANITARY SEWER

ENG 15. In Phase 2 of the project, a private sanitary sewer system shall be constructed in accordance with City of Palm Springs Ordinance No. 1084.

ENG 16. The City recommends that the applicant contact the Riverside County Health Department for requirements related to the construction of private septic systems for non-residential uses. Private septic systems may now require additional environmental requirements and/or permits from Riverside County and the Regional Water Quality Control Board.

ENG 17. This project is subject to the requirements of the Mission Springs Water District (MSWD). Provisions for domestic water supply and public sanitary sewer service must be arranged for directly with MSWD. The applicant should contact MSWD at (760) 329-6448 and determine what requirements MSWD may have for provision of domestic water and/or sanitary sewer service to the property.

GRADING

ENG 18. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella

Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at http://www.AQMD.gov. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.

b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.

ENG 19. In accordance with the mitigation measure MM IV-A included in the Mitigated Negative Declaration adopted for the project: *No more than 30 days prior to any ground-disturbing activities, a qualified biologist shall conduct surveys for burrowing owls and desert tortoise based on the recommended observation practices by the California Department of Fish and Game and the United States Fish and Wildlife Service.*

ENG 20. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 21. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

ENG 22. Temporary dust control perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.

ENG 23. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, temporary

dust control perimeter fencing shall be removed, as required by the City Engineer.

ENG 24. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.

ENG 25. In accordance with the errata sheet (dated January 7, 2011) for the 2010 California Green Building Standards Code Section 5.106.1, newly constructed non-residential projects causing soil disturbance less than one acre in area, shall prepare and implement a project-specific stormwater soil loss prevention plan (SWSLPP) in accordance with the requirements for preparation of a stormwater pollution prevention plan (SWPPP) from the General Permit for Stormwater Discharges Associated with Construction Activity (Water Quality Order 2009-0009-DWQ as modified September 2, 2009). The SWSLPP should cover prevention of soil loss by stormwater runoff and/or wind erosion, of sedimentation, and/or of dust/particulate matter air pollution. The applicant does not have to attain a Water Discharge Identification No. (WDID) for coverage under the General Permit for Stormwater Discharges Associated with Construction Activity, but shall implement best management practices as noted in the errata sheet. A copy of the up-to-date SWSLPP shall be submitted to the City Engineer prior to approval of the grading plan and shall be kept at the project site and be available for review upon request.

ENG 26. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.

ENG 27. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. The City will not issue "final" project approval until the required certification is provided to the City Engineer.

ENG 28. The applicant shall provide pad elevation certifications for all pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any structure foundation.

ENG 29. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of

soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

WATER QUALITY

ENG 30. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

ENG 31. For industrial facilities subject to the General Permit for Stormwater Discharges Associated with Industrial Activity as defined by the Standard Industrial Classification (SIC) code, prior to issuance of "final" approval by City, the applicant shall demonstrate that General Permit coverage has been obtained by providing a copy of the Notice of Intent submitted to the State Water Resources Control Board and a copy of the notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing.

DRAINAGE

ENG 32. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer shall be required to contain the increased stormwater runoff generated by the development of the property. Update the Preliminary Hydrology Report prepared by MSA Consulting, Inc. (dated September 27, 2010) for the LNG Fueling Station, to include California Department of Transportation calculations or calculations by others, showing the discharge rate at the outlet of the two 24 inch culverts crossing under Interstate 10, that drain through the easement along the west property line of the site; and provide calculations that show that the existing v-channel within the drainage easement has the capacity

to safely convey these flows past the site to Garnet Avenue, after pollutants have been removed. Final retention basin sizing and other stormwater runoff mitigation measures shall be determined upon review and approval of the final hydrology study by the City Engineer and may require redesign or changes to site configuration or layout consistent with the findings of the final hydrology study.

ENG 33. If the existing v-channel within the drainage easement along the west property line does not have the capacity to carry the tributary flows, the applicant shall modify or reconstruct the v-channel to provide the required capacity.

ENG 34. The applicant shall provide the California Department of Transportation (Caltrans) District 8 with project grading/drainage plans for review in relation to the existing Interstate 10 drainage facilities and the possible need for a Caltrans encroachment permit for work in the Caltrans right-of-way.

GENERAL

ENG 35. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115.

ENG 36. All proposed utility lines shall be installed underground.

ENG 37. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.

ENG 38. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

ENG 39. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a "final" approval by City. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

ENG 40. Nothing shall be constructed or planted in the corner cut-off area of any driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

ENG 41. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

ENG 42. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

TRAFFIC

ENG 43. In accordance with the mitigation measure MM XIV-A included in the Mitigated Negative Declaration adopted for the project: *The project proponent shall ensure that all recommended mitigation measures provided in the Traffic Impact Study are adhered to throughout the development as follows:*

a) The project proponent shall comply with City of Palm Springs requirements regarding the Class III bikeway project planned along Garnet Avenue prior to project completion.

b) The proponent shall install a stop sign facing vehicles leaving the site at the west site driveway prior to project completion. Install a 24 inch stop sign, stop bar, and "STOP" legend in accordance with City of Palm Springs Standard Drawing Nos. 620-625.

c) Throughout the life of the project, the LNG tanker deliveries should be scheduled during the off-peak hours associated with the container truck refueling. The off-peak hours are expected to occur approximately twelve hours per day, between 8:00 a.m. and 2:00 p.m. and between midnight and 6:00 a.m.

d) Sufficient off-street parking shall be provided on-site to meet the requirements of the Palm Springs Municipal Code prior to project completion.

e) The applicant shall pay Traffic Uniform Mitigation Fees (TUMF) prior to the issuance of building permits.

ENG 44. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

ENG 45. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

FIRE DEPARTMENT CONDITIONS

FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated and received on 7/22/2010. Additional requirements may be required at that time based on revisions to site plans.

FID 2. **Fire Department Conditions were based on the 2007 California Fire Code and NFPA standards**. Four complete sets of plans for fire alarm and gas monitoring systems must be submitted at time of the building plan submittal. Conditions set forth are for both Phase 1 and Phase 2 of this project.

FID 3. **Training Impact Fees:** In order to ensure that the Palm Springs Fire Department receives the proper training to mitigate emergency incidents at this facility, the Applicant shall provide the fire department technical on site training prior to fueling operations are to commence.

FID 4. **Access During Construction** (CFC 503): Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.

FID 5. **Buildings and Facilities (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Plans submitted meet this requirement.

FID 6. **Fire Department Access:** Minimum width of 24' Fire Department Access Roads shall be provided and maintained in accordance with (Sections 503 CFC) along the perimeter and interior roadways.

FID 7. **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.

FID 8. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".

FID 9. **Turning radius (CFC 503.2.4):** The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.

FID 10. **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times. Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position. Secured automated vehicle gates or entries shall utilize approved Knox access switches as required by the fire code official. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch) when required by the fire code official.

FID 11. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.

FID 12. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.

FID 13. **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.

FID 14. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one **2-A:20-B:C** portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top I not more than 5 feet above the floor.

FID 15. **2007 California Fire Code:** Applicant shall adhere to the 2007 California Fire Code for the design and maintenance of this facility. The following articles shall be adhered to:

- **Chapter 22** – Motor Fuel and Dispensing Facilities
- **Chapter 27** – Hazard Materials
- **Chapter 30** – Compressed Gases
- **Chapter 32** – Cryogenic Fluids
- **Chapter 34** – Flammable and Combustible Liquids

FID 16. **National Fire Protection Association Standards:** The following nationally recognized standards will be adhered to:

- **NFPA 30** – Flammable and Combustible Liquids, 2008 Edition
- **NFPA 52** - Vehicular Fuel Systems Code, 2010 Edition
  - **Chapter 12 LNG Fueling Facilities**
  - **Chapter 15 LNG Fire Protection**
  - **Chapter 16 Installation Requirements for ASME Tanks for LNG**
- **NFPA 55** – Compressed Gases and Cryogenic Fluids, 2010 Edition
- **NFPA 59A** – Standard for Storage and Handling of Liquefied Natural Gas (LNG), 2009 Edition
- **NFPA 400** – Hazardous Materials Code, 2010 Edition
- **NFPA 704 placards** are required for the compressed storage cylinders.

END OF CONDITIONS

BORDER VALLEY TRADING / HAYDAY LNG COACHELLA FACILITY

PROJECT DESCRIPTION—PHASING

PHASE ONE

Due to the immediate requirements of the project proponents to fuel their existing LNG powered truck fleet and the lack of any fueling facilities in the Coachella Valley, the first phase of the fueling facility will be to install a portable fueling system called a Quick Response System (QRS) on the site along with the basic site improvements. The QRS is a fully-integrated system incorporating a nominal 6,000 gallon LNG tank, an LNG dispenser, total integral containment, lights and all safety equipment. This will facilitate resolving the fueling station spacing issue in the quickest way possible.

In addition to the horizontally-mounted QRS module, the site will be improved with permanent paving, walls, fences and rolling gates to secure the site along with the Phase One landscape improvements primarily along the Garnet Avenue frontage. During Phase One the fleet drivers will use a portable toilet module that will be sited behind the block wall screening the site from Garnet Avenue.

Phase I will also see the development of the ultimate site drainage and retention improvements including the necessary Water Quality Management Plan now required for new construction. These improvements will remain relatively unchanged through subsequent phases.

This Phase may be in place for two or more years depending on the timing of financing the long range permanent facility.

PHASE TWO

The Phase II improvements revolve around the installation of the first of two possible permanent fuel tanks and the requisite containment improvements, addition of two new LNG dispensers, the construction of the permanent restroom structure and Phase Two landscape improvements. The Phase Two landscape is designed to provide additional screening to visually soften the taller, permanent fuel tank with the site improvements and surrounding wind mills and other aspects of the freeway-industrial district near the site. When Phase Two is fully implemented, the QRS will be retired, and removed from the site.

PHASE THREE

If the fleet of trucks using the facility creates a large enough demand, a second permanent fuel tank will be added next to the Phase Two tank. There will be no further site improvement needed as all the basic site and facility improvements will have been completed with the first two phases.

BORDER VALLEY TRADING CO.
LNG FUELING FACILITY
PALM SPRINGS, CALIFORNIA

PROPOSED PROJECT DESCRIPTION

EXECUTIVE SUMMARY

Clean-burning natural gas as a replacement for diesel fuel in trucks using the I-10 corridor between Los Angeles and Phoenix has been long-advocated by the regional air districts and local governments. The ports of Los Angeles and Long Beach have restricted the use of many diesel trucks because of dirty emissions. For background on natural gas as a motor fuel see "Attachment A".

Border Valley Trading (BVT) is a Brawley-based grower and exporter of animal feed. Over the past year, BVT has converted much of its fleet of long-haul trucks to liquefied natural gas (LNG). This conversion was predicated on being able to obtain LNG fuel at the SunLine fueling facility in Thousand Palms. Suddenly and unexpectedly, SunLine closed their LNG fueling service leaving no other fueling alternative east of Redlands, a distance too far from Brawley to operate.

To fill this void, BVT desires to design and construct an LNG fueling facility on land it owns near the intersection of Indian Canyon and the I-10 freeway. It is proposed to implement this project in two phases. Initially (Phase I), proposes to install a temporary fueler, known as a Quick Response Station (QRS), for their exclusive use while design and construction of a permanent LNG fueling facility are underway. The QRS is a portable, skid mounted unit and can be installed on an engineered concrete pad in a matter of a few weeks.

The permanent station (Phase II) will consist of a 15,000-gallon bulk LNG storage tank, pumps and controls, and LNG dispensers. The permanent facility will be open to service BVT vehicles as well as other contracted fleet sales. The permanent station will be designed and built to all applicable codes and standards and will be fully permitted by the Palm Springs Planning Department and others as needed. The implementation of the permanent station could take a year or two, bases on funding, permitting and equipment supply. When the permanent station is completed and operational, the QRS will be removed from the site.

The following describes both phases of the project in technical and developmental detail.

INTRODUCTION

Border Valley Trading Co. (BVT) whose offices are located in Brawley, California has converted most of their fleet of overland cargo haulers from diesel fuel to liquefied natural gas (LNG). Similarly, Hayday Farms, located in Blythe has also converted many of its vehicles to LNG. The

remainder of the fleets will be converted within the next year or so. This conversion has been in response to regulations and directives for vehicles operating in the Southern California air districts and by the ports of Los Angeles and Long Beach. BVT desires to develop a permanent LNG station in the Coachella Valley for fueling of its LNG vehicles as well as other LNG vehicles that use the I-10 corridor between Phoenix and Los Angeles.

The early conversion of the diesel fleets to LNG was largely predicated on the availability of LNG fuel at the SunLine facility in 1000 Palms. Suddenly, in November 2008, Clean Energy, owner of the LNG fueling component at the SunLine yard, unexpectedly closed the LNG facility and removed all of their equipment. This action effectively removed all public access LNG fueling from the Coachella Valley. Thus both BVT and Hayday have struggled to keep their LNG trucks on the road.

LNG fuel is available in the port areas and at a few locations along the I-10 corridor as far east as Redlands. There are no other LNG fueling facilities east of Redlands meaning that the Hayday and BVT trucks need to make the trip from Redlands to their respective home yards and back to Redlands. This has resulted in numerous rigs, particularly those from Brawley (a greater round-trip distance from Redlands than Blythe) running out of fuel when driving conditions are adverse. On some occasions, the drivers have dropped their loads and taken the tractor to Redlands to be fueled then return to pick up the load. The alternative has been costly towing of the rigs to Redlands for fueling.

To provide a solution to this problem, BVT intends to construct its own LNG fueling facility in the Coachella Valley. To reach this end, BVT has purchased a strategically located property situated in the City of Palm Springs, identified by APN 666-330-064. This property is located at 510 West Garnet Avenue, the southwest corner of the intersection of Indian Canyon and the I-10 freeway.

The project will have two phases: Phase I involves the installation of a temporary, portable LNG fueling unit known as a QRS (Quick Response Station) to permit the fueling of vehicles immediately. Phase II, which will run concurrently, will entail the funding, design, permitting and construction of a permanent LNG fueling facility incorporating an LNG storage tank, LNG dispensers, and other components needed for a fully-integrated station. Development of a permanent fueling facility on this site is expected to take many months, while the QRS can be installed and operational within several weeks. When the permanent station is operational, it is proposed to eliminate the QRS from service and remove it from the site.

The following paragraphs describe the various elements of the project

SITE SELECTION

As mentioned above, there are no public access LNG fueling facilities available in the Coachella Valley. The location of the proposed site was selected because of its strategic location within the Coachella Valley area. The typical range of the BVT and Hayday trucks is about 275 to 300 miles depending upon driving conditions. From Redlands, Brawley is about 140 miles (280 miles round trip) meaning that trucks are always in danger of running out of fuel. The distance from Redlands to Blythe is more than 300 miles round trip and cannot be made without interim refueling. Both firms have installed temporary portable LNG fueling facilities in their yards which allows for an interim top-off to provide enough range. These are expensive to operate and do not provide sufficient fuel storage to allow for more than enough fuel to ensure that the vehicles can make it to Redlands.

By locating the fueling station at the site selected, trucks from both firms will be able to obtain a full fill permitting them to drive to and from the ports (about 225 miles round trip) and also fill to permit a round trip to their respective locations (200 miles round trip to Brawley; 240 miles round trip to Blythe). Locating the fueling station on the I-10 corridor is essential. If too far from the freeway, access becomes more difficult. Further, it is intended to provide fueling to other private fleet owners from the permanent station as part of the overall Interstate Clean Transportation Corridor (ICTC) concept of a series of LNG stations between Los Angeles and Phoenix on I-10.

The site selected is zoned for vehicle fueling and has excellent access to the freeway. Access will be further improved after the construction of the interchange improvements which are set to begin in August 2010.

The Conditional Use Permit Site Plan, existing site photos, and existing LNG facility site photos are attached.

PHASE I – QUICK RESPONSE STATION (QRS)

The following paragraphs present specific information about the QRS selected for this project. The unit is owned by Hayday and is currently in storage in Blythe. Including the development of site improvements, it can be installed in a matter of a few weeks. This will provide immediate relief to the fueling difficulties now experienced.

QRS-6000 – Overall Description

The installation and operation of the QRS represents the primary goal of Phase I. The unit selected for use while the permanent station is being designed, permitted and constructed is a skid-mounted LNG fueler, known as a QRS-6000. The QRS-6000 consists of a welded steel skid on which is mounted a double-walled cryogenic tank having a nominal LNG capacity of approximately 6,000 gallons. Other major equipment on the self-contained unit includes pumps, valving, vaporizers, gauges and controls, and other equipment used to dispense LNG directly to vehicles. Additional equipment includes a methane detection device, emergency stop devices, and lighting. Although the LNG skid and equipment are completely self-contained, it does require 480V power to operate the pumps on the unit. A source of compressed instrument air is also needed. Specific details of the unit's sub-systems are presented below.

As part of Phase I of the project, it is proposed to install the QRS-6000 skid in accordance with Fire Department and Building Department regulations. Once placed, the QRS-6000 skid will not be moved until the permanent station is operational. The QRS-6000 will be periodically filled with LNG from a licensed over-the-road DOT tanker truck provided by Applied LNG Technologies (ALT), a vendor and transporter of LNG. The frequency of LNG deliveries is expected that to be on the order of three to four times per week depending upon the use of LNG by the Hayday and BVT fleets. The refueling tanker has a nominal capacity of 10,000 gallons, and partial loads may be provided to the QRS-6000. Trained personnel will perform offloading of LNG into the QRS-6000. One of the images on the attached existing LNG site photos show the tanker in position to off load LNG into the QRS-6000.

The use of the QRS-6000 is an interim measure to allow for financing, design, permitting, and construction of a permanent LNG station on the site. It is expected that the permanent station might be up and running in 18-24 months, it is intended to keep the QRS-6000 in operation until the permanent station is operational. At that time the QRS will be removed from the site.

QRS-6000 – Design Details

The QRS-6000 is a self-contained unit requiring only a source of 240/480V electrical power and a source of compressed instrument air. Electrical power will be provided through Southern California Edison from a new electrical service, including a new transformer that will be developed on the site. The QRS-6000 is fitted with a quick-disconnection apparatus, essentially a "plug in". The new electrical service and control panel will be located outside of the electrical exclusion zone; power will be routed to the QRS-6000 through sealed underground conduits. Instrument air from an auxiliary compressor, also located outside of the electrical exclusion zone and connected by underground piping, will be used to operate valves on the system. The QRS-6000 skid will be permanently grounded, this being accomplished with two grounding rods.

Although the QRS-6000 is portable, the unit will be permanently installed in a dedicated location by bolting down to an engineered concrete foundation. The unit will be fitted with appropriate safety, security, and emergency measures. All on-board electrical equipment is either explosion proof or intrinsically safe. The tank on the QRS-6000 is double-walled and vacuum-insulated and specifically designed for the storage of cryogenic liquids. It is fitted with safety vents and controls.

The QRS is fitted with a single LNG transfer pump located on the unit. The LNG pump will be manually operated by trained operators. Once the dispensing nozzle is connected to the receiving vehicle, the pump is activated. The pump can transfer fuel at a maximum rate of about 40 gallons per minute.

The QRS-6000 is fitted with a methane detector located above the primary LNG transfer pump at the dispensing end of the unit. When the device detects methane in concentrations greater than 25% of the lower explosive limit (LEL), all electrical components are disabled, and all valves automatically default to the closed position.

Emergency stop devices (ESD) will be provided at appropriate locations at the site. Push off/pull to reset buttons are located at the rear of the QRS-6000 and at the remotely located electrical switchboard. When activated, the ESD shuts off all power to the unit. All valves are automatically closed by air pressure.

QRS-6000 – Installation and Operation

It is proposed to install the QRS-6000 on a reinforced concrete slab at the designated location on the property. Installation of the QRS-6000 including site development, security, safety, and other elements of the project will in accordance with the requirements of *National Fire Prevention Association (NFPA) 52 – Vehicular Fuel Systems Code (2010 Edition)*. These include the hazardous exclusion zones as required by *NFPA 52*, spill containment, signage, lighting, emergency stops, fire extinguishers, and crash protection.

The primary tank on the QRS-6000 is fitted with an external welded steel containment vessel capable of containing the entire contents of the tank in the event of a catastrophic failure of the double-walled tank. This containment complies with the requirements of *NFPA 52, Section 12.2.3.5.1.* A separate containment berm will be constructed around the fueling end of the QRS-6000 to contain possible LNG spills that might occur during fueling or transfer operations. This berm will be sized and designed in accordance with *NFPA 52 Section 12.2.3.3.*

A concrete drive slab will be constructed adjacent to the QRS to be used by both the filling tanker truck and vehicles to be filled. The site will be provided with fencing equipped with lockable, automatic rolling gates. The QRS-6000 will be provided with crash protection in the form of K-rail barriers and/or bollards. Appropriate signage will be provided on the QRS itself and on the security fencing as required by code.

Two 20B fire extinguishers are mounted on the QRS-6000 itself. It is proposed to locate another near the facility control panel.

LNG-fueled vehicles will be filled directly from the QRS-6000 using the on-board transfer pump. The LNG tractors will be driven to the QRS-6000 where they will be fueled by trained fuelers employed by BVT. The LNG tractors are expected to each consume approximately 90 to 100 gallons of LNG each operating day. These units will be operated six days per week. Fuelers will utilize electronic card readers to gain access to the facility.

It is expected that the facility will be in use about 18 hours per day (about 6AM until midnight). Traffic during that time will be on an irregular basis resulting in probably no more than four or five vehicles during any one-hour period. Refueling cycle time (arrival to departure) is about 10 minutes per vehicle. QRS tank filling takes about one hour.

Adequate lighting will be provided in addition to the lights on the QRS-6000 itself for use during the hours of darkness. These auxiliary lights will be mounted on standards in appropriate locations. They will be located outside of the hazardous electrical zone as defined in *NFPA 52 Table 12.2.2.4.* These lights will be controlled with photo sensors and will double as security lights for the facility when not in use. The lighting will conform to City of Palm Springs requirements to keep lighting contained to the site.

BVT will be responsible for all insurance and administrative elements of this project. BVT will contract for all routine and emergency maintenance and repairs to the QRS-6000. This will include work required for the LNG storage vessel, dispensing equipment, and emergency systems on the QRS-6000. Emergency Contact information will be posted at the fueling area and at the site entry.

Certain other features will be designed into the development of the QRS facility. In general, these will be constructed in such a manner as to be used for the permanent station. This includes the installation of a new electrical transformer of sufficient capacity to service both the QRS and the permanent electrical equipment. An electrical control panel will be similarly included.

Signage will be provided including both informational and safety signs. Informational signs located out of the fueling area, for example those used to identify the station, will be designed and installed in accordance with Palm Springs Planning Department directives.

Drive surfaces on the site will include concrete pads, and both asphalt paving and concrete. These will be designed and constructed so as to be suitable for both the temporary and permanent stations.

Phase One landscape design includes a six-foot tall, split-faced masonry wall along the Garnet Road. The wall steps back to accommodate a truck being able to wait for the gate to open while not blocking the street. The step back also accommodates a landscaped retention area which will be landscaped as will the site area in front of the wall.

The remainder of the site will be fenced using a six-foot high vinyl clad chain link fence. Landscaping will be comprised of native California fan palms, other drought tolerant and native shrubs. Ground cover will be crushed rock and will incorporate rocks and boulders that are exposed during the grading operation. The area between the rear fence and Interstate 10 will be retained in the native creosote scrub plants. A gate will enable maintenance of that area.

It is proposed to provide porta-potties during the operation of the QRS and during construction of the permanent facilities. Permanent restroom facilities will be installed as part of the permanent station.

PHASE II – PERMANENT STATION

A permanent LNG fueling station will be designed and installed as quickly as permitting, funding, and equipment delivery will allow. It is anticipated that this could take as many as two years or longer. The following paragraphs describe the characteristics of the permanent station.

Permanent Station – Overall Description

The proposed permanent LNG fueling station will be of industry standard design and will incorporate standard equipment and infrastructure. The station will not incorporate liquefied to compressed natural gas (LCNG) components because there are several compressed natural gas (CNG) fueling facilities in the area.

The basic equipment includes as nominal 15,000-gallon cryogenic LNG storage tank, offloading pumps, a conditioning vaporizer, dispensing pumps, piping, LNG dispensers, and controls.

LNG Storage Tank. The LNG storage tank is a double-walled, thermally insulated tank. The inner tank is constructed of specialized cryogenic stainless steel while the outer tank is made from mild steel. The interstitial space between the two tanks is thermally-insulated using perlite (an inert naturally-occurring siliceous mineral) or a vacuum, depending upon the design selected. Generally, vacuum-insulated tanks are preferred. Thus the LNG tank can be considered as a large "Thermos" bottle. Typically a tank is between 12 and 15 feet in diameter and 35 to 42 feet high. They are manufactured in accordance with strict ASTM standards.

The LNG tank will be vertically-mounted in a containment structure designed to contain the entire volume of the tank in the event of a catastrophic spill or rupture of the tank. This is in accordance with the requirements of *NFPA 52*. The tank is fitted with mounting legs to permit connections to the bottom and with connections and vents. It will be installed on an engineered concrete foundation designed in accordance with all applicable codes and ordinances.

The exterior of the tank will be painted and may incorporate signage or a design, depending upon the conditions of approval.

Pumps. Two types of pumps are employed in the LNG fueling system. The first are used to transfer LNG from the delivery tanker truck to the storage tank; the second are used to supply LNG to the LNG dispensers. All pumps are designed and constructed for use with cryogenic liquids and usually include submerged suction to reduce cool-down times and to minimize heat introduction into the system. They are driven with explosion-proof electric motors and are often fitted with variable speed drives. Pump capacity varies depending upon the use, but generally the offload pumps will have a capacity of about 120 gpm, while the dispensing pumps will be sized to allow a nominal 40 gpm flow rate. All pumps will be mounted on dedicated pump skids and equipped with necessary valves, safety connections, and monitors. Pumps are located adjacent to the LNG storage tank within the containment area.

If selected during the design, a multi-purpose pump that will provide offload capability and dispensing may be installed. This design is less flexible that using separate pumps, but is often used in stations that require relatively low fueling rates.

Vaporizer. A vaporizer is used in the LNG fueling system to provide added pressure to the LNG tank. When a new delivery of fuel is received, it is often much colder than the residual fuel in the LNG storage tank, and because of this will lower the internal pressure of the tank by cooling (thus reducing the vapor pressure) of the liquid in the tank. Optimal operation of the fueling system requires a prescribed nominal operating pressure in the tank and the vaporizer is used to develop that pressure.

Cold LNG is pumped through the vaporizer which consists of fin-tube piping exposed to the atmosphere. As the LNG passes through the vaporizer, its temperature is raised. This LNG is then returned to the LNG storage tank to raise the temperature and hence the pressure within the tank incrementally in accordance with the desired tank requirements. The vaporizer has no moving parts, and is installed adjacent to the LNG storage tank within the tank containment area.

Vacuum-Jacketed Piping. All piping connecting the system tank, pumps, and dispensers is double walled piping with an interstitial vacuum for insulation (VJ piping). The exception is the piping connecting the vaporizer as this flow is intended to absorb heat. VJ Piping is constructed from alloy steel suitable for the purpose. Valves and other fittings within the VJ piping may be mechanically insulated.

LNG Dispensers. Two LNG dispensers will be used for fueling BVT, Hayday vehicles and other fleet users. The units will be mounted on the side of the containment structure. The LNG dispensers look very similar to a typical gasoline dispenser. They incorporate a cabinet with an electronic readout indicating gallons of fuel dispensed. The hose that connects to the vehicle to be fueled is a flexible insulated hose and is equipped with a breakaway design to prevent LNG release in the event of a "drive off". It incorporates a standard filling nozzle that securely locks to the vehicle being fueled during transfer of LNG. Each dispenser will have a "dummy" fueling receptacle to "park" the LNG fueling nozzle during periods of non-use.

Controls. The entire LNG fueling station is equipped with an array of operating and safety controls. The heart of the operating system is a programmable logic controller (PLC) used to monitor and control essentially all of the functions of the system. This includes temperature, pressures, flow

rates, emergency conditions, and other operating variables. The PLC controller is connected by modem to operating personnel who can constantly check existing operating conditions as well as historical conditions. The PLC utilizes variable set points throughout the system that will adjust conditions, alert operating personnel, if needed, shut down the entire system.

The overall system employs several automatic safety devices. These are provided in accordance with *NFPA 52* and other codes and ordinances. A number of emergency stop devices (ESD) are incorporated at various places within the installation including at each dispenser, within and around the containment area, and at a remote location. In addition, fire-eyes are used to detect flame. These devices if activated, in conjunction with the operating controls, will immediately shut down all electrical systems, and cause all valves to close. The ESD will require a manual reset before the system operation can be restored. If the fire-eyes are activated, the fire department will automatically be summoned. In any case, the operations supervisor will be automatically alerted by modem.

Access to the fueling facility will be by card reader. Authorized users will gain access using a proprietary authorization card that will activate the dispenser.

Utilities. The permanent station will require the connection of 480-volts of electrical power and a telephone interface for remote monitoring and emergency call out.

Site Improvements. In addition to the vertical fuel tank, Phase 2 site improvements will include a permanent restroom facility and some additional landscape materials. The restroom structure will either be site built using block to match the front wall or may be a pre-fabricated unit. The facility will use a septic tank with leach field for sewage disposal as no municipal sewer plant is available.

A small hardscape area is proposed adjacent to the restroom building that will incorporate a table and benches and vending machine(s). As the entire frontage of the property as well as the native landscape area adjacent to the freeway will be completed during Phase 1, the main landscape addition for Phase 2 will be clusters of six-foot to twelve-foot native California fan palms in the corners of the fuel yard adjacent to the freeway.

PROJECT DEVELOPMENT

The proposed project will be developed in two phases. The first will include all non-operational elements including grading and drainage, storm water retention, walls and fencing, landscaping, paving, lighting, utility connections, and signage. Phase I will also include the installation and commissioning of the QRS. Phase II will consist of the design and installation of the permanent LNG fueling station, restroom facilities, and, removal of the QRS.

A conceptual site layout for the two phases is presented in the CUP site plans. This layout shows the location of the two fueling facilities: the QRS and the permanent station. It is proposed to immediately install the QRS on the engineered concrete pad as shown. Facilities constructed for Phase I such as lighting, fencing, walls, signage, etc. will, as much as is possible, be designed for continued use during Phase II.

Phase I Development

Prior to construction of improvements on the site, grading as needed will be conducted so as to provide level surfaces for the installation of the concrete equipment pads. This grading will also provide for site drainage. Cut and/or fill may be needed depending upon the results of a site survey. It is proposed to provide a storm water retention pond on the property as shown on the preliminary site layout. This area will contain calculated amounts of potential runoff as will be required by the permitting agencies.

Electrical connections to the site will be provided from the power distribution lines on the south side of Garnet Avenue. Power will be routed in a trench under Garnet Avenue and will daylight at a new concrete electrical equipment pad. The pad will be used to mount a transformer, a switch panel, and the system control panel. This equipment will be used, as much as possible to service both the QRS and, ultimately, the permanent station. Underground conduit stub-ups will be directed from the electrical pad to the locations needed for both systems. Those needed for the permanent station will be capped until needed for installation of that facility.

It is desired to develop the electrical infrastructure and on-site distribution for the two phases of the project simultaneously. Accordingly, the proposed transformer pad and connection to Edison power will stay the same. The primary transformer for the site can be configured for either Phase I alone and will be swapped out for the larger transformer needed for Phase II. However it is essential that the QRS remain operational throughout the construction period required for Phase II so it is more expedient to install the Phase II transformer at the outset and have a separate 480v/230v transformer to serve the QRS.

An engineered concrete foundation will be provided for mounting the QRS. Because the QRS skid incorporates an integral containment capability, supplementary containment for the QRS will not be required, only a small contained area to contain spills that may occur during transfer or fueling operations as required by *NFPA 52*. A concrete drive pad will be constructed adjacent to the QRS for vehicles using the facility. It is on this pad that the spill containment area will be provided.

Engineered concrete drive aprons will be provided to permit access from Garnet Avenue. These will be of sufficient width to accommodate the vehicles entering and exiting the site with minimum impact to other traffic on Garnet Avenue.

As shown on the proposed site layout, a concrete block wall will be erected on the south side of the QRS and the electrical equipment pads to shield this equipment from view from Garnet Avenue. This wall will also serve as the mounting point for security gates that will be installed. Security fencing will be installed to form the boundaries of the equipment enclosure.

Security and operation lights will be installed for nighttime operations around the QRS. Electrical stub ups for additional lighting required during Phase II will be provided.

A sustainable landscaping of the site is proposed. This will consist of the use of drought and wind tolerant plants and extensive reliance on rocks, boulders and gravels. The main landscape feature will be clusters of six-foot to twelve-foot tall native California fan palms. For the area of the site adjacent to Interstate 10, the existing, native creosote scrub landscape will remain—separated from the fueling yard area by a six foot tall, vinyl clad chain link fence.

Phase II Development

It is necessary to keep the QRS fully operational during the construction of Phase II facilities. The proposed layout has been designed to allow for sufficient separation between the two units that construction activities will not be impeded while allowing continued fueling operations at the QRS. Many of the improvements required for Phase II will have been incorporated into the construction during Phase I. This includes grading and soil compaction needed for the LNG tank and containment structure, access roads, fencing and gates.

Construction of the Phase II improvements will include the containment structure used to hold the LNG storage tank and equipment (pumps, vaporizer, etc.). The structure will consist of an engineered concrete foundation and tank support structure. Concrete housekeeping pads will be used to mount the auxiliary equipment. The containment itself will be constructed of concrete masonry units that will provide sufficient volume to contain the contents of the tank in the event of a catastrophic tank failure. Although only a single tank is proposed at this time, provision in the form of provided volume and a second foundation will be included for the possible future addition of a second tank.

Following the civil construction of the tank pad and containment, the equipment will be installed and connected both mechanically and electrically.

Additional paving and the construction of a second concrete drive pad will be part of Phase II to accommodate vehicles on the north side of the containment and equipment area. Additional lighting will also be provided for operations and security.

PERMITTING

Permitting for the proposed facilities will consist of this application for a Conditional Use Permit (CUP) for the site, and all subsequent grading, building and fire permits required. Following granting of the CUP, design drawings for Phase I will be prepared incorporating all Conditions of Approval and submitted to the appropriate permitting agencies. For this project, these agencies will be the Palm Springs Building Department and the Palm Springs Fire Department. The former will review the grading and drainage plans, and the civil, structural, electrical, and mechanical sheets. The latter will examine the plans for compliance with fire regulations, most notably *NFPA 52*. Where facilities are proposed to serve both phases (grading, electrical, fencing, etc.) these will be fully designed during Phase I.

After Phase I is operational and funding for Phase II has been secured, design and engineering for Phase II will commence. All drawings developed for this work will likewise be submitted for review and approval by the appropriate permitting agencies.

Field inspections and final project acceptance by the agencies for both phases will be required prior to start-up.

FLEETS SERVED

Initially, when only the QRS will be in operation, it will be used exclusively by the Hayday Farms and BVT fleets. Together these fleets now employ about 40 LNG trucks. This number may grow to about 50 after the QRS is in operation and before the permanent station has been commissioned. These trucks will fuel at the QRS station at random times during the day depending upon each truck's schedule. It is anticipated that not more than four or five vehicles will need to access the site during any given hour.

Following completion of the permanent station, it is anticipated that the usage will perhaps ultimately double because the station will be open to other private fleet users. Thus as many as 10 trucks per hour may need to use the permanent facility. It has been designed, however, so that these trucks can queue within the property rather than on Garnet Avenue.

PROJECT FUNDING

The overall proposed budget for this project is approximately $2.6 million. Of this approximately $350,000 represents land acquisition and permitting costs. Approximately $1 million has been identified as likely grants from public agencies including the California Energy Commission and the MSRC. BVT proposes to fund the remainder of the station costs.

PROJECT SCHEDULE

Depending upon the timing of funding being available for the project, the overall development schedule for the entire project, QRS and the permanent station, is expected to be about 24 months. The CUP process has already begun and is expected to take up to four months. Following, both the QRS and the permanent facilities construction plans will be finalized and submitted to the appropriate permitting agencies for review and approval.

Because of the simplicity of the QRS installation and the fact that standardized plans have already been completed, it is anticipated that the plans for this can be submitted immediately. Construction would begin as soon as plans have been approved and will take approximately six weeks.

It will be necessary to solicit and accept proposals for the design and construction of the permanent station. This process, which will be initiated soon after funding is identified, may take several weeks followed by the actual design of the facility. Design may take eight weeks. Construction of the permanent facility will depend somewhat on the delivery of specialized equipment (most notably the LNG storage tank) and could be about 30 weeks following the approval to begin construction although actual field construction will be about four to six months.

When the permanent station is operational, the QRS will be decommissioned and removed from the site.

Attachment A

NATURAL GAS FUELING PRIMER

The Use of Natural Gas as a Motor Fuel

Introduction

Natural gas (methane – CH_4), in both compressed and liquefied forms has become the most popular alternate fuel technology for many fleet operators, both large and small. (Hydrogen is another alternative fuel, but has not yet been popularly accepted). Natural gas powered vehicles are the predominant technology of choice for heavy-duty alternative fuel vehicle operators, and thus, the technology most widely available from vehicle and fuel station infrastructure suppliers. Natural gas-fueled vehicles provide similar power, torque and fuel range as conventionally-fueled vehicles, while providing significantly improved emissions benefits.

Natural gas exists in two forms as a vehicle fuel: compressed natural gas (CNG), which is natural gas compressed to pressures up to 3,600 psi, and liquefied natural gas (LNG), which is natural gas that has been cooled to a temperatures below minus 260 degrees Fahrenheit, converting it into a transportable liquid form. The type of fuel storage system on board the vehicle is only a function of carrying capacity. Whether stored on the vehicle as CNG or LNG, by the time the natural gas is burned in the engine, it has been converted to a low-pressure gaseous fuel.

In recent years, there has been a strong push to convert diesel or gasoline (conventional fuel) vehicles to either LNG or CNG primarily because natural gas burns much cleaner and substantially reduces the emission of harmful smog-forming exhaust gases and essentially eliminates the emission of particulate matter. In Southern California, the local air districts have mandated reduction in these emissions; the ports of Los Angeles and Long Beach have restricted the entry of vehicles that do not meet specific emission requirements or are powered by alternative fuels. Accordingly, the number of natural gas powered vehicles in the region has increased dramatically.

Natural gas is abundant in the United States and Canada and its use as a motor fuel is capable of greatly reducing the demand for imported oil for conventional fuels.

CNG vs. LNG

Generally, CNG is used in vehicle applications where there is greater flexibility with regard to weight, range and on-board tank storage issues. To hold the CNG, which is compressed to 3,600 psi,

the on-board fuel tanks are high-pressure CNG storage containers. Often, multiple CNG storage tanks are required on a vehicle in order to provide sufficient on-board fuel capacity for a day's work. Medium- and heavy-duty vehicles equipped with multiple CNG storage tanks have an equivalent fuel capacity around 20 to 30 diesel gallons equivalents (DGE). In addition to requiring several locations on the vehicle for the mounting of these tanks, these multiple storage tanks can add up to approximately 2,000 pounds to the overall weight of the vehicle.

On a volume basis, LNG contains far more energy per gallon of storage capacity than CNG. Because of this greater storage density, LNG is typically the preferred form for vehicles with higher fuel demands. LNG fuel storage systems are ideal for vehicles with limited space for on-board fuel tanks, in applications that are weight sensitive, or for vehicles that have high daily fuel needs. On-board LNG fuel storage tanks are double-walled vacuum insulated vessels which are designed to maintain the LNG at temperatures below 250^{O}F without the need for active refrigeration. LNG tanks are essentially high-tech thermos bottles specifically designed for cryogenic natural gas. Typically a single LNG fuel storage tank can hold the equivalent of at least 50 gallons of diesel fuel while only adding a few hundred pounds to the overall weight of the vehicle. This single tank requires only a slightly larger space on the vehicle than does a typical 50- to 100-gallon diesel tank.

Natural Gas Vehicle Fueling Stations

While both are used to store and dispense natural gas vehicle fuel, LNG and CNG refueling station technologies are actually quite different from one another. Both have their advantages and disadvantages. In a general sense, CNG fueling stations are more common in light- and medium-duty vehicle applications, while LNG fueling stations more often serve medium- and heavy-duty vehicle applications. There are, of course, many exceptions to this rule, particularly in transit applications or for specialized fleets such as refuse collection trucks or street sweepers.

CNG fuel stations are high-pressure systems that receive gas from the local utility pipeline network (such as Southern California Gas Company). The pipeline gas is then compressed in large motor-driven compressors with motors generally between 125 horsepower and 500 horsepower. The gas is compressed and stored in high-pressure vessels (either tubes or spheres) at pressures up to 5,000 psi. The on-site high-pressure CNG storage capacity in a CNG station is typically between 100 to 300 useable diesel equivalent gallons (DGE).

The stored, high-pressure gas is metered through a CNG dispenser into the using vehicles. For a "fast fill" fueling operation (i.e. similar to the way traditional diesel and gasoline are fueled) the gas is reduced in pressure to that required by the vehicles, generally about 3,600 psi. Fast fill CNG stations are typically designed in to fill a typical vehicle in about five to ten minutes. By maintaining a large volume of high-pressure gas, it is possible to effect the rapid transfer of CNG fuel to vehicles without the use of the compressor. When the pressure of the on-site storage capacity is reduced, it is possible to fuel directly from the CNG compressor. After filling, the compressor will continue to run refilling the storage vessels.

CNG fuel systems also have the capability to provide time-filling of vehicles while they are parked overnight. A time fill operation allows for a vehicle, or a fleet of vehicles, to be "plugged in" to a CNG fueling hose to refuel over a set period of time (typically over night). While "plugged in" a smaller CNG compressor will dispense fuel to the vehicle(s) at a slow rate in order that the on-board CNG storage tank is full in the morning (or at the end of a set period of time). A time fill refueling station can provide significant labor saving costs over a large fleet as operators are not required to wait the few minutes it is required to fast fill a vehicle. Instead, they simply park the vehicle, attach the fueling hose, and return when the vehicle is full. Typical time-filling may take several hours.

LNG fuel stations are liquid-based systems that use large bulk cryogenic storage tanks (again, big thermos bottles) to store fuel on site. LNG is delivered to the site from the point of production by large (up to 10,000-gallon capacity) tanker trucks much like conventional fuel is delivered to traditional fueling stations with large underground or aboveground storage tanks. From the bulk storage tanks, the LNG fuel is then dispensed to vehicles, as required, through specialized cryogenic liquid pumps and LNG fuel dispensers. Fuel is dispensed into vehicle on-board fuel tanks as a liquid in a fast-fill application, generally at rates of about 25 gallons of LNG per minute (equivalent to approximately 15 diesel gallons per minute).

As there is no active refrigeration within an LNG refueling station, the thermal efficiency of the double-walled vacuum insulated storage tanks used to contain the fuel is relied upon to keep the LNG from warming too quickly. While these storage systems are very efficient at keeping the cold in and the heat out, they cannot completely stop the LNG fuel inside the tank from gradually warming. As this LNG warms, it transitions from a liquid state back to its natural vapor state. This transition occurs at the fuel's boiling point. The boiling of LNG takes place in exactly the same fashion as boiling water; the only difference is that ambient temperatures are sufficient to cause the cryogenic liquid to reach a boiling state.

As LNG inside of a storage tank boils, the vapor pressure inside of the LNG storage tank will increase. Ultimately, if the pressure becomes too great, a safety relief valve will activate and the pressure will be allowed to escape. Of course, it is not just pressure that is allowed to escape to the atmosphere, but fuel.

Because LNG fuel will achieve a boiling state when stored and used as a vehicle fuel, it is generally required that a fueling station have a minimum daily fuel throughput of at least 800 LNG gallons. This is to ensure that the boil off (i.e. the portion of the fuel that returns to a vapor state) does not cause fuel venting due to increased pressures within the storage tank. With the use of 800 gallons or more of LNG per day, bulk loads of LNG will be delivered to the station at least every two weeks. These bulk deliveries of fresh and "cold" LNG tend to collapse vapors that build up inside the storage tank back to liquid fuel. More frequent deliveries reduce overall boil off and help to eliminate fuel venting. Because of the need to "use or lose the fuel," LNG fuel dispensing and vehicle systems are generally used in applications with high daily fuel demands and throughputs. Further, when planning to develop an LNG refueling facility, one must consider building up a "critical mass" of LNG fleet vehicles in order to achieve the minimum 800 gallons per day

throughput needed to eliminate the threat of losing fuel to boil off and venting. Although there are no requirements prohibiting the practice of venting, not only does this lost fuel cost money, but natural gas is a powerful greenhouse gas that should not be vented to the atmosphere if it can be prevented.

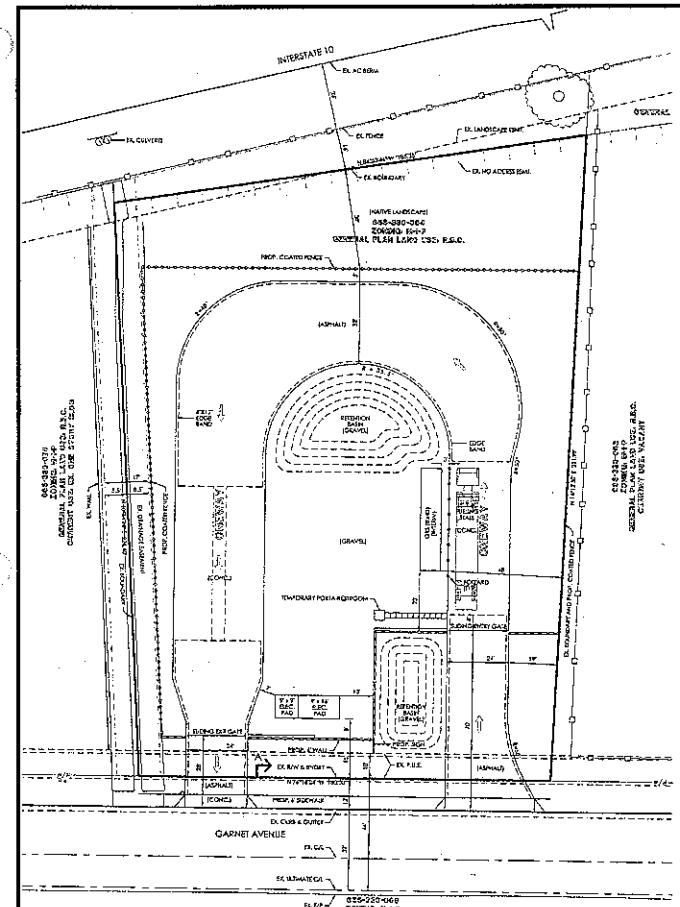
LNG fuel systems may have the added advantage of being able to supply compressed, from liquefied natural gas, better known as LCNG, to fleet vehicles. LCNG is produced by compressing the liquid fuel and vaporizing it at a high pressure. The LCNG pumps used to compress the liquid fuel utilize small electric motors (25 – 50 horsepower) and very few moving parts. The advantage therefore offered by LCNG, when compared with traditional CNG, is that the compressed gas (i.e. the CNG) can be produced with significantly lower energy requirements when compared with a traditional CNG compressor that may require several hundred horsepower to produce the same goal quantity of CNG.

While LNG is typically more expensive than natural gas delivered in a pipeline, the long term benefits offered by LCNG systems are generally thought to outweigh the cost savings offered by pipeline natural gas. In particular, this system is possible for fueling stations located where no natural gas pipelines exist.

The flexibility offered by starting with an LNG fueling station and having the capability to add LCNG fueling is particularly important for vehicle deployment planning as it offers two options for the on-board fuel storage systems of any heavy-duty trucks that may need to fuel at the station. CNG can be provided for vehicle fueling from an LNG refueling station, whereas LNG cannot be provided for vehicle fueling station when starting with a traditional CNG refueling station.

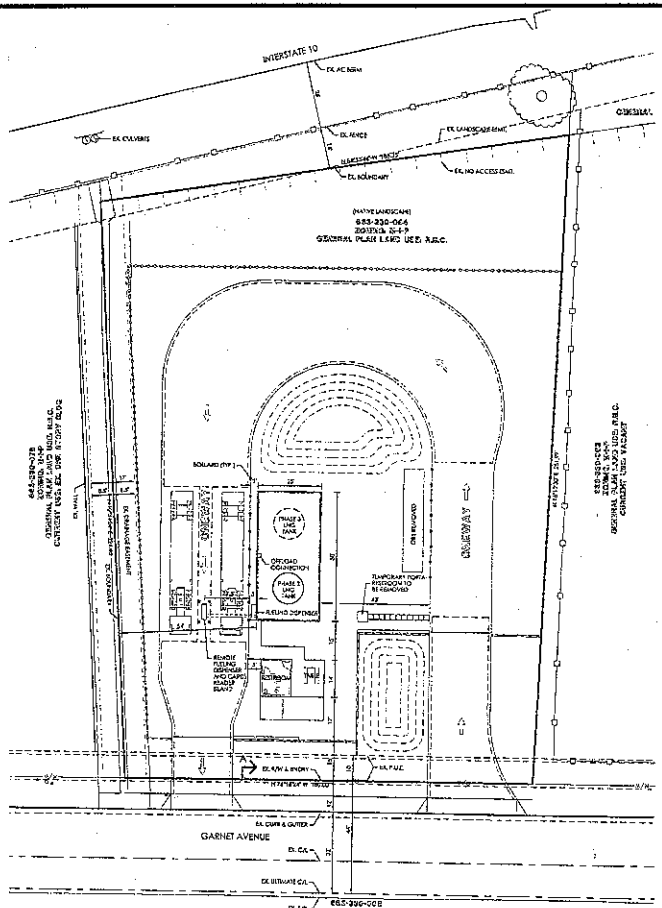
Fueling of CNG and LNG vehicles from natural gas fueling stations is very similar to traditional fuels. Both employ the use of a fueling hose and nozzle attached to a typical dispenser and card reading system. The specialized nozzles are connected to the vehicle. Fueling times are also about the same; between three to 10-minutes depending on the size of the vehicle and amount of fuel required to be dispensed. Due to the cryogenic nature of the LNG fuel, each fueler is required to receive training and wear basic personal protective equipment in order that any leaking or splashed LNG does not come in contact with their skin. This protective equipment includes a basic face shield, a cryogenic apron and cryogenic gloves. Each LNG refueling station will typically maintain several sets of this personal protective gear on site.

The design and sizing of both CNG and LNG refueling stations is very dependent upon site specific conditions; the size, fuel demands and fueling windows of the fleet to be served, and the required energy inputs and operational preferences for each facility. It is important that stations not be undersized as inefficiencies will result within the fleet operation. At the same time, it is important not to oversize fueling station as boil-off and venting of fuel will occur with LNG stations and inefficient operations will result with CNG stations (i.e. constant stopping and starting of compressors, high energy bills, and high maintenance costs).



PHASE I - SITE PLAN

SCALE: 1"=20'



PHASE II - SITE PLAN

SCALE: 1"=20'

NORTH

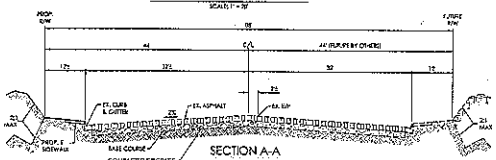
SCALE: 1"=20'

ABBREVIATIONS

AC.	ACREAGE
APN	ASSESSORS PARCEL NUMBER
BNDRY	BOUNDARY
C/L	CENTERLINE
CONC.	CONCRETE
ELEC.	ELECTRIC
E/P	EDGE OF PAVEMENT
EASMT.	EASEMENT
EX.	EXISTING
LNGS	LIQUIFIED NATURAL GAS
MAX.	MAXIMUM
MIN.	MINIMUM
M-1-P	PLANNED RESEARCH AND DEVELOPMENT ZONE
P.C.	POINT OF CURVE
P.T.	POINT OF TANGENT
N.T.S.	NOT TO SCALE
P/L	PROPERTY LINE
PROP.	PROPOSED
P.U.E.	PUBLIC UTILITY EASEMENT
PVRNG	PRIVATELY OPERATED NATURAL GAS FUELING
R/W	RADIUS
R.B.C.	REGIONAL BUSINESS CENTER
R/W	RIGHT OF WAY
S.F.	SQUARE FEET
TYP.	TYPICAL

LEGEND

- EXISTING CENTER LINE
- EXISTING EASEMENT
- EXISTING LOT LINE
- PROPOSED AND EXISTING BOUNDARY
- PROPOSED BOLLARDS
- PROPOSED CURB
- PROPOSED EDGE BAND OR CONCRETE OR ASPHALT SEPARATION
- PROPOSED RETENTION BASIN
- PROPOSED COVERED FENCE
- PROPOSED R/W
- PROPOSED STRUCTURE
- PROPOSED MAINSTREAM HAUL



SECTION A-A
GARNET ROAD
N.T.S.

NO.	REVISIONS	APPROVED	DATE

EXHIBIT DATE: JULY 22, 2010
IN THE CITY OF PALM SPRINGS,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

CONDITIONAL USE PERMIT
SITE PLAN

LEGAL DESCRIPTION

PARCEL 10, LOCATED IN SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 EAST, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, SAN BERNARDINO BASE AND MERIDIAN.

ASSESSORS PARCEL NUMBER

666-330-066

APPLICANT / OWNER / DEVELOPER

BORDER VALLEY TRADING
604 EAST MEAD ROAD
BRAWLEY, CALIFORNIA 92227
TELEPHONE: (760)344-6700
FAX: (760)320-9811

EXHIBIT PREPARER / ENGINEER

MSA CONSULTING, INC.
34200 BOB HOPE DRIVE
RANCHO MIRAGE, CALIFORNIA 92270
TELEPHONE: (760)320-9811
FAX: (760)328-7893
JULIAN A. DE LA TORRE P.E. C43880 / EXP. 06/30/11

GENERAL NOTES

EXISTING AND PROPOSED GENERAL PLAN LAND USE: REGIONAL BUSINESS CENTER (R.B.C.)

EXISTING AND PROPOSED ZONING: PLANNED RESEARCH AND DEVELOPMENT ZONE (M-1-P)

GROSS ACREAGE: 0.94 ACRES / 40,842 S.F.

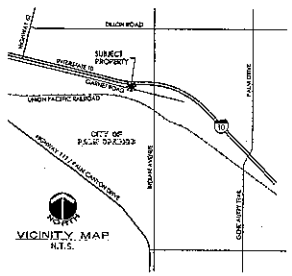
NET ACREAGE: 0.94 ACRES / 40,842 S.F.

PHASE 1 - LAND USE BREAKDOWN:
LNG STRUCTURES: 270 S.F. (0.5%)
DRIVE: 13,279 S.F. (33%)
HARDSCAPE (ELECTRICAL PAD): 225 S.F. (0.6%)
LANDSCAPE / OPENSPACE: 26,918 S.F. (66%)
NET ACREAGE: 40,842 S.F. (100%)

PHASE 2 - LAND USE BREAKDOWN:
LNG STRUCTURES: 1,200 S.F. (3%)
RESTROOM: 175 S.F. (1%)
DRIVE: 13,279 S.F. (33%)
HARDSCAPE: 869 S.F. (1%)
LANDSCAPE / OPENSPACE: 25,469 S.F. (62%)
NET ACREAGE: 40,842 S.F. (100%)

UTILITIES

ELECTRIC:	SOUTHERN CALIFORNIA EDISON	(800)655-4555
GAS:	THE GAS COMPANY	(800)427-2000
TELEPHONE:	VERIZON COMPANY	(800)483-2000
WATER:	DESERT WATER AGENCY	(760)323-4971
CABLE:	TIME WARNER CABLE	(760)340-2225
SEWER:	DESERT WATER AGENCY	(760)323-4971
USA:	UNDERGROUND SERVICE ALERT	(800)227-2600



VICINITY MAP
N.T.S.

MSA CONSULTING, INC.
PLANNING ■ CIVIL ENGINEERING ■ LAND SURVEYING
34200 BOB HOPE DRIVE ■ RANCHO MIRAGE, CA 92270
TELEPHONE (760) 320-9811 ■ FAX (760) 323-7853

DESIGN BY	DVD
DRAWN BY	DVD
CHECK BY	MDR

NORTH
N.T.S.

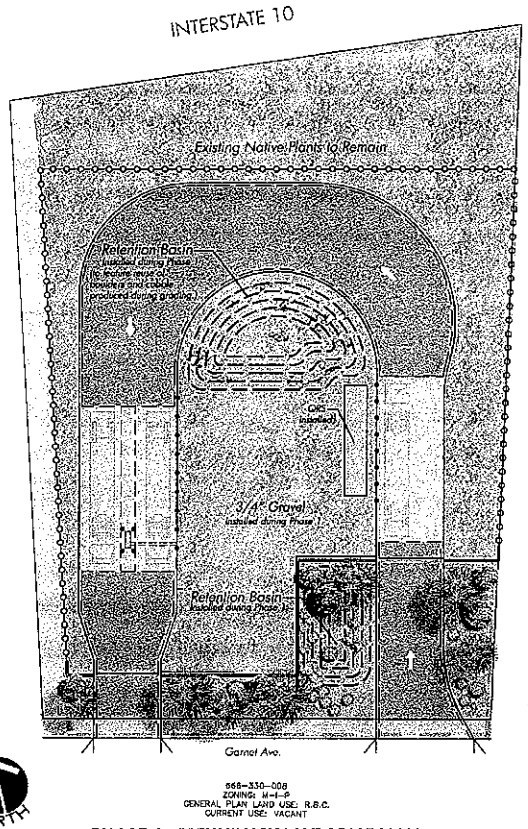
EXHIBIT 4

Exhibit Date: 11/11/2010

Site Plan

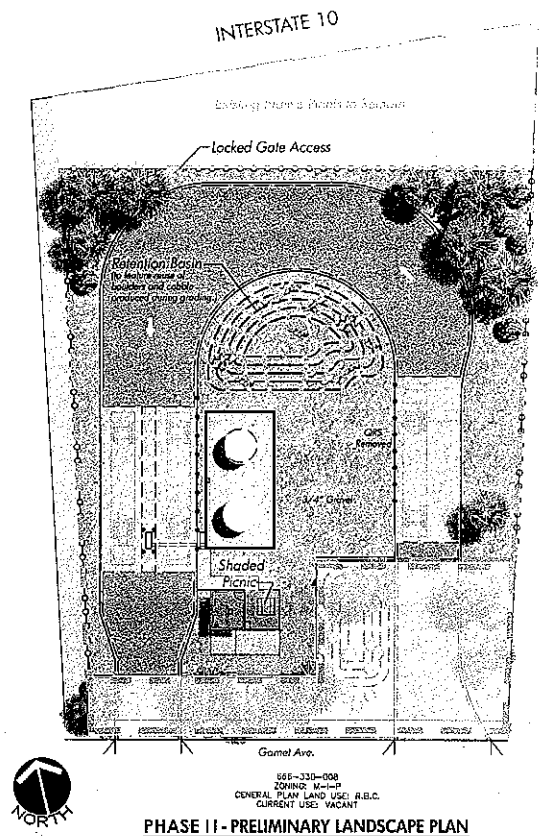
Border Valley Trading Company LNG Fueling Station
Initial Study in the City of Palm Springs

MSA CONSULTING, INC.
PLANNING ■ CIVIL ENGINEERING ■ LAND SURVEYING
34200 BOB HOPE DRIVE ■ RANCHO MIRAGE ■ CA 92270
TELEPHONE (760) 320-9811 ■ FAX (760) 323-7853



668-330-008
ZONING: M-I-P
GENERAL PLAN LAND USE: R.B.C.
CURRENT USE: VACANT

PHASE I - PRELIMINARY LANDSCAPE PLAN



668-330-008
ZONING: M-I-P
GENERAL PLAN LAND USE: R.B.C.
CURRENT USE: VACANT

PHASE II - PRELIMINARY LANDSCAPE PLAN

ABBREVIATIONS

LEGEND

Planting Legend

Name	Size
Washingtonia filifera California Fan Palm	6'-12' Height
Larrea tridentata Creosote Bush	5 gallon
Encelia farinosa Brittle Bush	1 gallon
Atriplex canescens Salt Bush	1 gallon

EXHIBIT 5

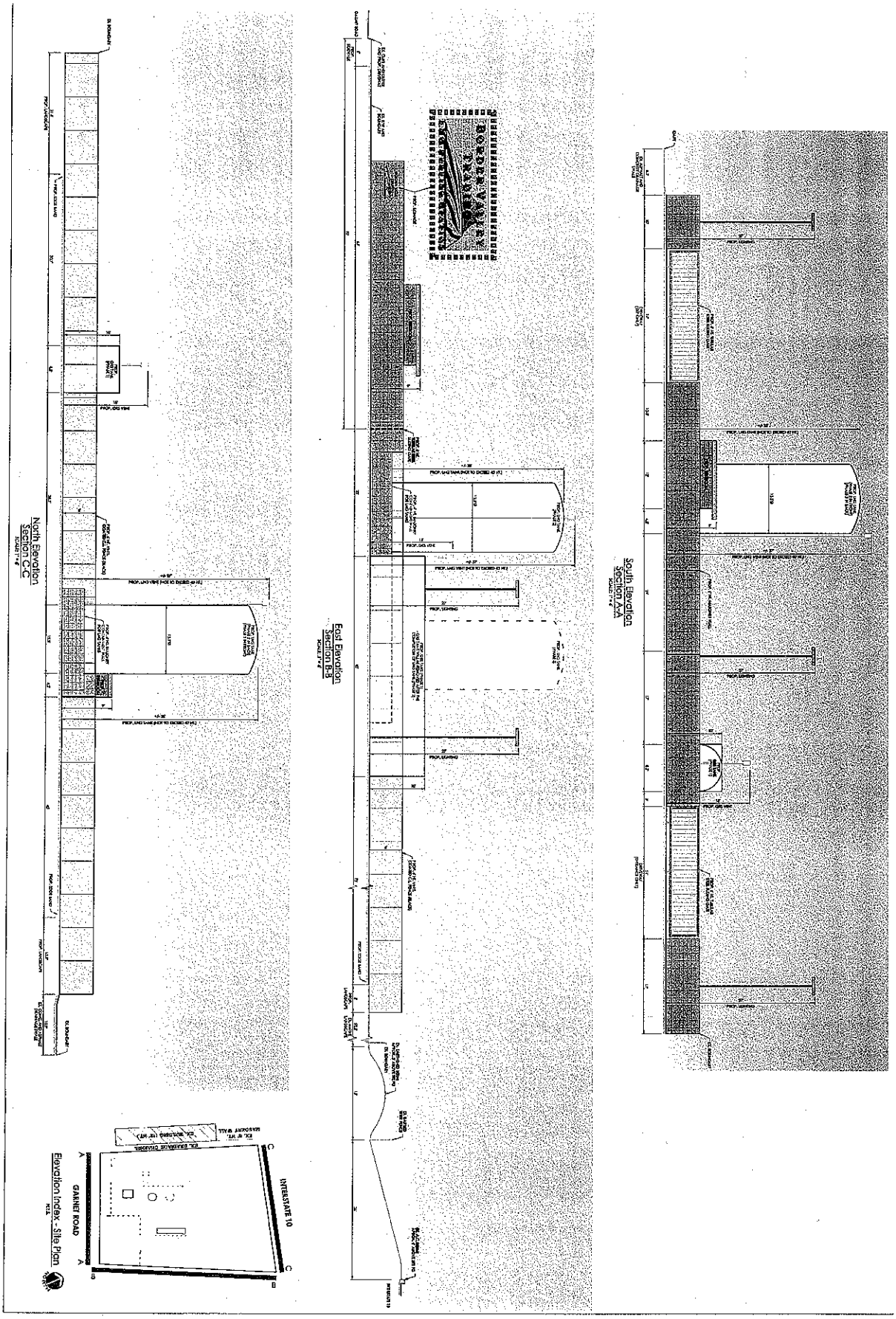
NORTH
N.T.S.

Exhibit Date: 11/11/2010

Landscape Plan

Border Valley Trading Company LNG Fueling Station
Initial Study in the City of Palm Springs

MSA Consulting, Inc.
Planning ■ Civil Engineering ■ Land Surveying
34200 Bob Hope Drive ■ Rancho Mirage ■ CA 92270
Telephone (760) 320-9811 ■ Fax (760) 323-7893



N.T.S.

EXHIBIT 6

Exhibit Date: 11/11/2010

MSA CONSULTING, INC.
PLANNING ■ CIVIL ENGINEERING ■ LAND SURVEYING
34200 BOB HOPE DRIVE ■ RANCHO MIRAGE ■ CA 92270
TELEPHONE (760) 320-9811 ■ FAX (760) 323-7893

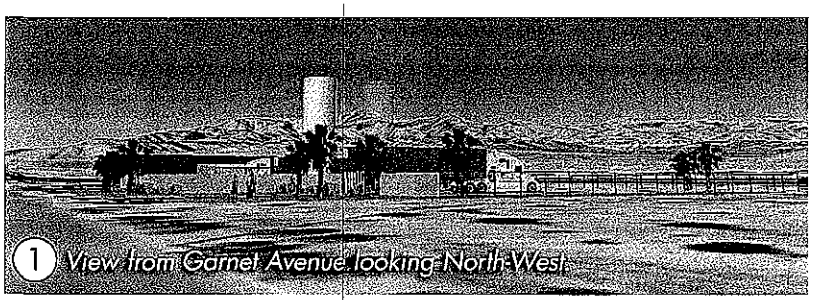
Site Elevations

Border Valley Trading Company LNG Fueling Station
Initial Study in the City of Palm Springs

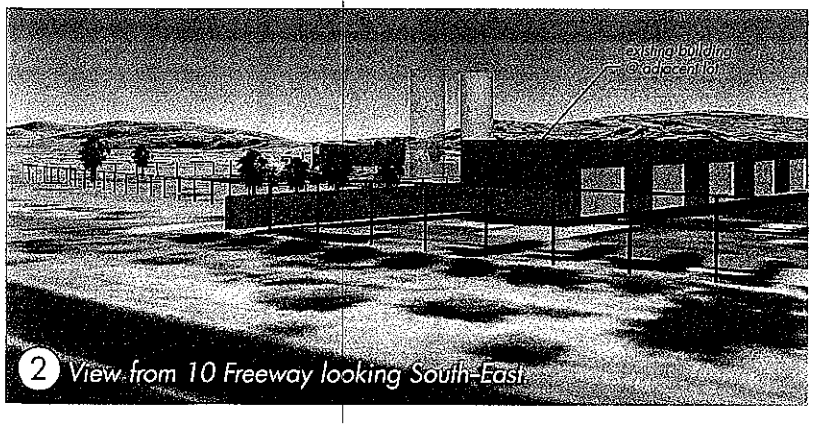
NO.	REVISIONS	APPROVED	DATE

EXHIBIT DATE: JULY 22, 2010
IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

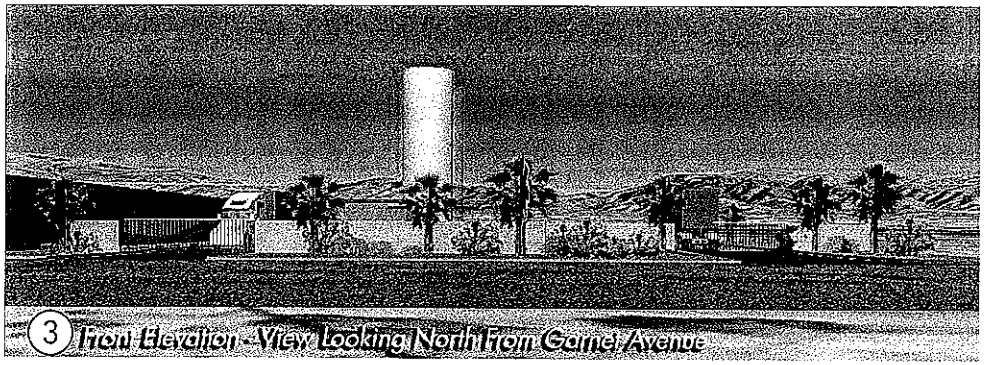
CONDITIONAL USE PERMIT
ARCHITECTURAL AND
LANDSCAPE SIMULATIONS



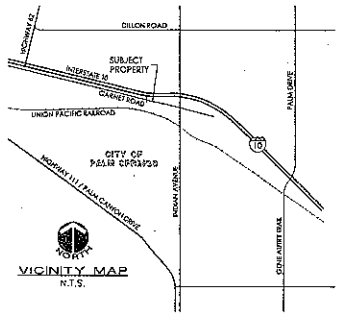
1 View from Garnet Avenue looking North-West

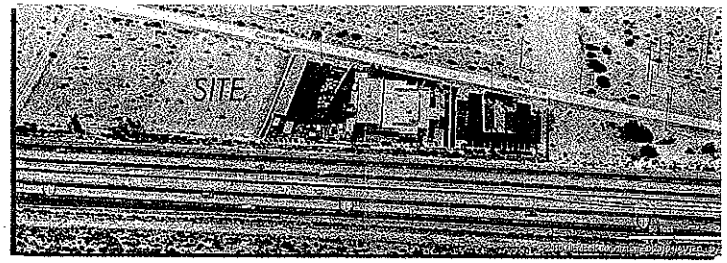


2 View from 10 Freeway looking South-East



3 Front Elevation - View Looking North From Garnet Avenue





Birds Eye View of Existing Conditions

LANDSCAPE ARCHITECTS, INC.
74130 ALESSANDRO, SUITE G
PALM DESERT, CA 92260

MSA CONSULTING, INC.
PLANNING ■ CIVIL ENGINEERING ■ LAND SURVEYING
34200 BOB HOPE DRIVE ■ RANCHO MIRAGE ■ CA 92270

DESIGN BY DVD
DRAWN BY DVD