

EXHIBIT B - CONDITIONS OF APPROVAL

NAPA COUNTY CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT CONSERVATION & DEVELOPMENT PLANNING COMMISSION

NUSTAD REVOCABLE TRUST / STEVEN SCHERNER USE PERMIT # P09-00211 & TENTATIVE PARCEL MAP # P09-00210-PM AUGUST 5, 2009

1. SCOPE

This approval shall be limited to:

- A tentative parcel map to subdivide a ±2.55-acre site into three parcels of approximately 0.80 acres (Parcel 1), 0.83 acres (Parcel 2) and 0.92 acres (Parcel 3) as indicated on plans dated April 2, 2009 prepared by H2WOOD Land Surveying Professionals;
- Major Modification of Use Permit # P05-00382 –MOD to allow modification of *Napa County Airport Industrial Area Specific Plan* Industrial Area Site Development Standards to reduce front yard setbacks from 20 feet minimum to 10 feet for Parcel 2 and 15 feet for Parcel 3 to facilitate parcel subdivision;
- No other development plans or change of use. Subsequent construction plans for development on the proposed lots will be subject to Napa County regulations in effect at the time of development including but not limited to the Zoning Ordinance, Uniform Building, Plumbing, Electrical and Mechanical Codes and the Uniform Fire Code.

2. PARCEL MAP

This tentative parcel map shall be in substantial conformance with the submitted site plan and other submitted materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations to all designers, contractors, employees and guest to ensure compliance is achieved.

Any changes to the approved buildings and site improvements are not a part of this project, and are subject to subsequent review and approval, as applicable.

3. COUNTY SURVEYOR

The applicant shall submit a Final/Parcel Map to the Department of Public Works for review and approval by the County Surveyor. The applicant shall pay the map checking fee as

established by resolution of the Napa County Board of Supervisors in effect at the time of submittal of the final/parcel map.

4. EASEMENTS:

All shared access and utility easements with adjacent properties shall be updated to reflect new property lines resulting from this subdivision and recorded as part of the Final Map.

5. ADDRESSING

The CDPD Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any future building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

6. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

- Napa County Sanitation District “Will Serve” letter dated December 13, 2004;
- City of American Canyon Water Service “Will Serve” letters dated June 4, 2009;
- Department of Public Works memos dated June 15, 2009 and July 14, 2009; and
- County Fire Department comments dated July 21, 2009.

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

7. INDEMNIFICATION

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

8. MONITORING COSTS

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and/or mitigation measures shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$145.44/hour as of July, 2008). Violations of conditions of approval or mitigations measures caused by the permittee’s contractors, employees, and guests are the responsibility of the permittee.

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

9. PREVIOUS USE PERMITS:

All previous conditions of approval of both Use Permits # U-187980 and # P05-0382-MOD shall remain in full force and effect and shall be binding unless in conflict with or superseded with these conditions of approval.

10. TEMPORARY & FINAL OCCUPANCY:

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project prior to completion of all project improvements. Exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official and the Director of Conservation, Development and Planning. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.