

EXHIBIT B

CONDITIONS OF APPROVAL

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

CCBJ PROPERTIES, LLC - USE PERMIT # P10-00119-UP
400-412 CIRCLE DRIVE and 40 SKY OAKS DRIVE
ANGWIN, CA
APNS 024-153-029 and 024-161-001

November 17, 2010

1. **SCOPE:** The permit shall be limited to:
- (a) Recognize an existing, approximately 5,500 square foot church use at 400 Circle Drive, APN 024-153-029, with church programs operating Saturday mornings from 9:00 AM – 1:00 PM with up to 50 people, Wednesday evenings from 7:00 PM – 9:00 PM with up to 10 people and business meetings with up to 15 people every other month with additional accessory church uses. No schools or child care programs outside of normal church hours are included as part of this permit;
 - (b) Recognize an existing 1,600 square foot storage use at 40 Sky Oaks Drive, APN 024-161-001, including indoor storage of two vehicles and screened outdoor vehicle storage for one trailer only on the west side of the building. Should the storage tenant use at this location change, modification of the use permit shall be required;
 - (c) Allow the following CN (Commercial Neighborhood) District uses without further Use Permit application except as noted, subject to the performance standards as defined below:

Use	Allowed by Right	Modification of Use Permit Required	Other Department Review Required
Retail/Personal Service Businesses, including candy, ice cream shops, bakeries, gift and novelty shops, hardware stores, news stands, book stores, barber shops, salons, shoe repair and dry cleaners	Maximum 2,500 sq. ft. in size; Hours: 7:00 am – 7:00 pm; Maximum of 5 employees.	No	Building, Environmental Management
Food markets, health food stores	No sit-down dining areas, less than 10% floor area for prepared foods	No	Building, Environmental Management

Branch post office	U.S. Postal Service only	No	Building
Video Rentals	Hours: 7:00 - 10:00 pm	No	Building
Nurseries and garden stores, including outdoor storage of plant materials		Yes	
Small financial services, branch banks and ATMs	Hours: 8:00 am – 6:00 pm; maximum 5 employees	Yes, for exterior ATMs	Building
Auto supply shops	Hours: 7:00 am – 7:00 pm; maximum 5 employees; no on-site repair of vehicles allowed; screened storage and disposal areas	No	Building, Fire
Custom cabinet, framing, upholstery and similar shops	Maximum 2,500 sq. ft.; all fabrication activity takes place indoors	No	Building, Fire
Contractor offices	Hours: 7:00 am – 7:00 pm	Yes, for any incidental exterior storage	Building

- (e) Other uses not included on the above list shall be reviewed by the Zoning Administrator to determine whether and/or at what level of Use Permit Modification is required before the use can be initiated;
- (f) Maintain the existing 26-space parking lot with an additional 12-space reserve parking area behind the commercial building at 400-412 Circle Drive, on APN 024-153-029, and a minimum 6-space parking area at 40 Sky Oaks Drive, on APN 024-161-029; and

The church/shopping center/storage building and associated improvements shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, and employees to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

2. SCREENING:

The uses described above, including outdoor storage and all accessory or utility structures, shall be screened from the view of surrounding residences of the project site or located on the site such that they are not visible from the residential area. Evergreen landscaping, fencing or other approved combination of screening techniques shall be installed between parking/utility fixture/storage areas and off-site residences that can view these uses, subject to review and approval of the Planning Director. Additional landscape planting and/or fencing may be required and installed.

3. MECHANICAL EQUIPMENT:

All utility fixtures attached to the buildings or other ground-mounted equipment shall be screened from the view of adjacent properties by a visual barrier consisting of dense landscaping or an equivalent approved by the CDPD Director.

4. OUTDOOR STORAGE:

Any proposal for any additional or accessory outdoor storage is subject to a Modification of Use Permit application review and approval by the appropriate authority based on the scope of the modification proposed.

5. SIGNS:

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

6. GATES/ENTRY STRUCTURES:

Any gate installed at any entrance shall be reviewed by the Conservation, Development and Planning Department, Public Works Department and the Napa County Fire Department to ensure that it is designed to allow large vehicles, such as delivery trucks, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed and approved as part of this use permit approval.

7. LIGHTING:

All exterior lighting shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting is permitted. Prior to issuance of any building permit(s), two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the site shall be submitted for Department review and approval. All lighting shall comply with Uniform Building Code (UBC).

8. LANDSCAPING/PARKING:

Two (2) copies of a detailed landscaping plan shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

As stated above, evergreen or other approved screening shall be installed between parking/utility fixture/storage areas and off-site residences that can view these uses. Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations. In no case shall parking impede emergency vehicle access or public roads.

9. 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:

Department of Public Works as stated in their letter of November 9, 2010;
County Fire Department as stated in their letter of September 28, 2010; and
Building Division as stated in their letter of November 9, 2010.

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.

10. NOISE:

Construction noise for tenant improvements shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment attenuation and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM.

11. DUST CONTROL:

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur during windy periods.

12. ARCHEOLOGICAL FINDING:

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the Conservation, Development and Planning Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to

determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

13. TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for occasional maintenance and repairs will not occur during peak (4:00 PM – 6:00 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

14. ADDRESSING

All project site addresses shall be determined by the Conservation, Development and Planning Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The Conservation, Development and Planning Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers.

15. STORM WATER CONTROL

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board.

16. AFFORDABLE HOUSING MITIGATION:

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

17. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in

accordance with the hourly consulting rate established at the time of the monitoring. 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 revocation hearings in accordance with section 18.124.120 of the County Code.

18. TEMPORARY AND 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.