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1195 THIRD STREET
SUITE 210

+

NAPA, CALIFORNIA
94559

+

TELEPHONE:
707-253-4417

+

FAX:
707-253-4336

+

WWW.CO.NAPA.CA.US

COUNTY of NAPA

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

PLANNING COMMISSION

January 19, 2005

Mr. Phillip L. Smith
The Phillip L. Smith Company. Ltd.
P.O. Box 98
Acampo, CA 95220

**Re: INGLEWOOD VILLAGE BUSINESS PARK
Use Permit Modification#P04-0428-MOD
APN: 027-120-063, 1275 Inglewood Avenue, St. Helena**

Dear Mr. Smith,

Please be advised that Use Permit Modification#P04-0428-MOD has been **APPROVED** by the Napa County Planning Commission on December 15, 2004, based on the attached conditions of approval, the Napa County departments comments, and applicable County regulations.

MODIFICATION EXPIRATION DATE: December 15, 2006

Please note that the original Use Permit will expire February 20, 2005 if it is not "used" by that date. The above referenced expiration date is for the modification only and does not extend the period of time for the original use permit.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within two (2) years from the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration date of your permit.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Should you have any questions, please contact Sean Trippi at (707) 299-1353 or by e-mail: strippi@co.napa.ca.us.

Sincerely,

Steven Lederer, Deputy Director
Napa County Conservation, Development and Planning Department

**NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
CONSERVATION & DEVELOPMENT PLANNING COMMISSION
USE PERMIT MODIFICATION #P04-0428-MOD**

**INGLEWOOD VILLAGE BUSINESS PARK
CONDITIONS OF APPROVAL
December 15, 2004**

1. This approval is limited to modification of Use Permit #99077-UP as follows:
 - a. replacing the garden center building and nursery with a 4,030 sq. ft. office building and vineyard as shown on the site plan dated November 8, 2004.
 - b. constructing the project in three phases -
 - Phase 1 consists of Building A, a one-story 4,030 sq. ft. office building, parking for 33 vehicles, curb, gutter, and landscaping along Inglewood Avenue, vineyard, drainage improvements, and a 6-foot high masonry screen wall along the west property line.
 - Phase 2 consists of Building B, a one-story 4,030 sq. ft. office building, associated parking, landscaping, and site improvements.
 - Phase 3 consists of Building C, a two-story 15,384 sq. ft. office building, associated parking, landscaping and site improvements.
2. Landscaping shall be installed along Highway 29 within 24 months of completion of Phase 1. The permittee shall enter into a deferred improvement agreement with Napa County and post with the Planning Director adequate securities to ensure that the landscaping along Highway 29 will be installed within the prescribed period of time. Final landscape plans shall be subject to review and approval by the Planning Director.
3. All unimproved portions of the project site shall be kept free of weeds and debris.
4. The site shall be graded such that storm water from the project is discharged from the site into an approved drainage facility. Stormwater runoff shall be directed toward the southwest corner of the property. No increase in runoff will be allowed from this project onto adjacent properties unless adequate private easements have been established. Each phase of development shall include drainage improvements to ensure that additional runoff is not directed to Inglewood Avenue or surrounding properties unless otherwise allowed through aforementioned easements. All on-site drainage facilities shall be maintained by the permittee in proper working condition.
5. The applicant shall comply with all applicable building codes and the requirements of various County departments and agencies including:
 - Public Works comments dated October 12, 2004.
 - Environmental Management comments dated September 28, 2004.
 - Building Department comments dated September 14, 2004.
 - County Fire Department comments dated September 22, 2004.
6. The activities permitted on the site are limited to those shown on the plans submitted with the Modification application. Any substantial change in use is subject to review and approval as determined by the Planning Director in accordance with the Zoning Ordinance.

7. Plans submitted for building permits shall be in substantial compliance with the plans approved with this action, except as modified by these conditions of approval.
8. Final exterior building materials and colors are subject to review and approval by the Planning Director.
9. All conditions of approval from Use Permit #99077-UP, including mitigation measures imposed on Use Permit #99077-UP shall remain in effect to the extent they are not in conflict with these conditions.
10. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building, and when screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. All screening is subject to review and approval by the Planning Director.
11. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the Planning Director.
12. All trash bins shall be stored within approved trash enclosures. The location and construction details of any new trash enclosures are subject to review and approval by the Planning Director. The trash enclosure shown on the site plan adjoining the vineyard shall be relocated so as not to impact adjoining residential uses. All new trash enclosures must be covered and protected from rain, roof, and surface drainage.
13. An indemnification agreement, signed by the owner is included as part of the attached staff report.
14. No parking signs shall be provided on Inglewood Avenue, along the project frontage, as determined by the Director of Public Works subject to review and approval by the Board of Supervisors.
15. The permittee shall construct curb and gutter on Inglewood Avenue, along the project frontage and install landscaping between the curb and project site in lieu of a sidewalk. Final landscape plans are subject to review and approval by the Planning Director.
16. A minimum 6-foot high evergreen landscape screen shall be extended from the termination of the proposed wall shown on the site plan to Inglewood Avenue to replace the row of Poplar and Cherry trees that were removed subsequent to approval of the original site plan. The height of landscape screening shall not exceed 42-inches within 30-feet of the edge of Inglewood Avenue.
17. Hours of operation for customers conducting business on the site are between 7:00 A.M. and 8:00 P.M. Monday through Friday and between 9:00 A.M. and 6:00 P.M. Saturday and Sunday, exclusive of automated teller machines or other automated conveniences as may be approved by the Planning Director. Business hours shall not preclude owners/employees from access to their offices outside the hours of operation for non-customer related work.

18. The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Environmental Management determines that water usage at the project site is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, on-site monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the modification application would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the County Code Section 13.15.070.G-K.
19. All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the applicant and/or property owner. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, 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 Resolution #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$116.00/hour as of January, 2004). Violations of conditions of approval or mitigations measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.