



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

August 18, 1993

Steve Carlin
P.O. Box 1031
St. Helena, California 94574

Re: Certificate of Extent of Legal Nonconformity #CLN-91-304 APN 31-020-06010

Dear Mr. Carlin:

I have reviewed your request to clarify the previously existing (and proposed current) hours of operation of the Oakville Grocery Store located at 7856 St. Helena Highway, Oakville. Your letter of August 9, 1993 was accompanied by affidavits from the two previous owners of the business who attest to the fact that the hours of operation when they owned the business was 7:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday and Sunday. As you know, certificates of the extent of legal nonconformity confirm what has existed legally in the past and may not confer additional entitlement to a business. In addition, the owner of the business has the obligation and burden of proof to establish the extent of the legal nonconformity.

Based upon the information that you provided in and with your letter of August 9, 1993, CLN-91-304 is hereby modified to reflect the above noted hours of operation. No other changes to the Certificate issued on August 1, 1992 are approved. All uses of the property must conform with that Certificate unless and until it is modified by this office or a use permit issued pursuant to section 12800 of the Napa County Code.

If you have further questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Redding".

Jeffrey Redding
Zoning Administrator

cc: Fred Negri, District 2 Supervisor
Sylvia Toth, Supervising Planner
Contiguous Property Owners

NAPA COUNTY
DEPARTMENT OF CONSERVATION, DEVELOPMENT & PLANNING

CERTIFICATE OF THE EXTENT OF LEGAL NONCONFORMITY

DATE OF ISSUANCE: August 1, 1992

In accordance with Section 12854(c) of the Napa County Code, the Napa County Zoning Administrator held public hearings on April 3, 1992, May 1, 1992 and June 4, 1992, regarding the establishment of the extent of legal nonconformity for a grocery store, post office, storage areas for grocery store, residential units and a garage located on a one (1) acre parcel on Assessor's Parcel Number 31-020-08, at 7856 St. Helena Highway, Oakville. 010

The Zoning Administrator has determined that the following constitutes a legal nonconforming use or structure within the requirements of the Napa County Code:

- a grocery store of 1,632 square feet;
- a post office of 340 square feet with a porch of 376 square feet;

The grocery store and the post office are located in the same single story building

- a two story residence consisting of 3,184 square feet (1st floor--1,934 square feet; 2nd floor--1,000 square feet; porches--250 square feet);
- an apartment consisting of 900 square feet with porch/stairs of 45 square feet (with garage below);
- a garage for apartment tenant consisting of 210 square feet;
- an accessory building of 195 square feet (garage #1) utilized by the grocery store for the storage of food, food-related and non-food items;
- an accessory building of 210 square feet (garage #2) utilized by the grocery store for the storage of food, food-related and non-food items;

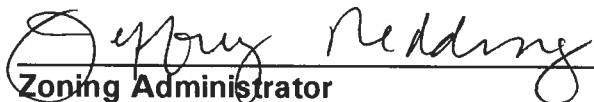
Page Two
CLN-91-304
August 1, 1992

- an accessory building of 45 square feet (storage building #3) utilized by the grocery store for the storage of food, food-related and non-food items;

The location of these structures is shown on the attached Exhibit 'A'.

- five (5) individual wall signs located on the south wall of the grocery store as shown in 1978 photo on file with the Department), with heights and areas as follows:
 - four (4) rectangular signs measuring 16 square feet each; 11'2" from the ground to the bottom of the sign;
 - "Drink Coca Cola" wall sign, measuring 124 square feet; 13' from the ground to the top of the sign;
 - "Oakville Grocery" wall sign measuring 29 square feet; 13" from the ground to the bottom of the sign.
- The grocery store is open seven (7) days a week, from 10:00 a.m. to 6:00 p.m., with a total of 15 employees (6-9 per day).

This determination has not been appealed, and has therefore become final.



Zoning Administrator

8-1-92

Date

clnrt



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

June 29, 1992

Steve Carlin
P.O. Box 1031
St. Helena, CA 94574

RE: Certificate of the Extent of Legal Nonconformity Request #CLN-91-304
Assessor's Parcel # 31-020-06010

Dear Mr. Carlin:

Your request for a revision of the Certificate of the Extent of Legal Nonconformity issued to you on April 8 and May 5, 1992 for a grocery store, post office, storage areas for grocery store, residential units and garage located on a one (1) acre parcel on the east side of State Highway 29, at 7856 St. Helena Hwy, Oakville, within the CL (Commercial Limited) Zoning District has been reviewed by the Napa County Zoning Administrator.

After a public hearing on April 3 and May 1, 1992 and, based upon the information provided on June 4, 1992 from Trent Cave, Director of Environmental Management, the Zoning Administrator found that:

- Legal nonconforming uses and structures exist;
- The legal nonconforming uses and structures consist of:
 - a. a grocery store of 1,632 square feet;
 - b. a post office of 340 square feet, with a porch of 376 square feet;

The grocery store and the post office are located in the same single story building;

 - c. a two story residence consisting of 3,184 square feet (1st floor - 1,934 square feet; 2nd floor - 1,000 square feet and porches - 250 square feet);
 - d. an apartment consisting of 900 square feet with porch/stairs of 45 square feet (with garage below);
 - e. a garage for apartment tenant consisting of 210 square feet;

- f. an accessory building of 195 square feet ("garage #1") utilized by the grocery store for the storage of food, food-related and non-food items;
- g. an accessory building of 210 square feet ("garage #2") utilized by the grocery store for the storage of food, food-related and non-food items;
- h. an accessory building of 45 square feet ("storage building #3") utilized by the grocery store for the storage of food, food-related and non-food items;

The location of these structures are shown on the attached Exhibit 'A'.

- i. five (5) individual wall signs located on the south wall of the grocery store (as shown in 1978 photo on file with the Department), with height and area as follows:
 - 1. Four (4) rectangular signs measuring 16 square feet each; 11' 2" from the ground to bottom of each sign;
 - 2. "Drink Coca Cola" wall sign, measuring 124 square feet; 13' from the ground to top of sign;
 - 3. "Oakville Grocery sign, measuring 29 square feet; 13' from the ground to the bottom of the sign;
- j. The grocery store is open seven (7) days a week, from 10:00 A.M. to 6:00 P.M., with a total of 15 employees (6-9 per day);

The determination of the Zoning Administrator regarding items (f) - (h) above may be appealed to the Board of Supervisors within ten working days in accord with the procedures established in Title XIII of the Napa County Code. Appeal forms may be obtained from the Planning Division, 1195 Third Street, Room 210, Napa between 8:00 A.M. and 5:00 P.M. The appeal fee in this matter is \$150.00. The appeal period for items (a)-(e) and (j) expired on April 25, 1992.

If there is no appeal, a Certificate of the Extent of Legal Nonconformity will be executed and forwarded to you and to the Napa County Assessor.

Very truly yours,

JEFFREY REDDING
Zoning Administrator

cc: John Tuteur, Assessor
Robert Westmeyer, County Counsel
Michael Miller, Deputy Planning Director
Gary Brewen, Building Codes Administrator
Elsie Giugni

bcc: Environmental Management

Carlin.Ltr
JRR:pc:15



NAPA COUNTY CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Charles Wilson
Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

March 19, 2003
Mr. William Phelps
Joseph F. Phelps Revocable Trust
200 Taplin Road, PO Box 1031
St. Helena, CA 94574

SUBJECT: OAKVILLE GROCERY
Use Permit #02591-UP
APN: (031-020-010)
610

Dear Mr. Phelps:

Use permit request **#02591-UP** came before the Napa County Conservation, Development and Planning Commission for public hearing and action on March 19, 2003. Please be advised that the Conservation, Development and Planning Commission voted to **APPROVE** the subject Use Permit, subject to the attached conditions of approval.

A Use Permit must be "used" pursuant to Napa County Code Chapter 18.124 within two years of the date of approval, or it will expire. As this Use Permit is recognizing ongoing operations, the Department considers that the Use Permit has met the test of being "used", is therefore not subject to expiration.

The environmental determination, use permit, and the conditions of approval thereof are subject to appeal to the Board of Supervisors within ten working days of the date of these actions in accordance with the procedures in Chapter 2.88 of the Napa County Code. If an appeal is filed by others, you will be notified.

Please contact me at (707) 253-4417 if you have any further questions or comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steve Lederer".

Steve Lederer
Deputy Director of Conservation, Development and Planning

cc. John Tuteur, Assessor
Christine Secheli, Environmental Management
Barbara Easter, Napa County Fire Department
Richard Mendelson, DP&F

**PROPOSED CONDITIONS OF APPROVAL
OAKVILLE GROCERY
#02591-UP
APN 031-020-010**

1. **SCOPE:** The permit shall be limited to:

- (1) Bring under Use Permit the existing commercial grocery (approximately 2,000 sq. ft.) and post office (approximately 350 sq. ft.), operating from 7 AM to 6 PM seven days/week;
- (2) Recognize use of the adjacent farm house (the "Victorian") on the same parcel (approximately 2,050 sq. ft.) for office uses accessory to the grocery, an employee break room, light storage accessory to the grocery, assembly of food baskets, and a rest room
- (3) Recognize 55 existing parking spaces.

No construction is planned or authorized by this Use Permit. Any expansion or changes in use shall be by the Use Permit modification process. The site shall remain configured in accordance with the submitted site plan.

2. **SIGNS:**

Prior to installation of any new signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Section 18.116 of the County Code. The "Coca Cola" sign on the grocery was previously approved under the 1992 CLN.

3. **LIGHTING:**

All new exterior lighting, including landscape 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. No flood-lighting or sodium lighting shall be permitted. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to installation of any new lighting, two (2) copies of a separate detailed lighting plan showing the location and specifications for all existing and proposed lighting fixtures to be installed on the property shall be submitted for Department review and approval.

4. **PARKING/LANDSCAPING:**

- a) 55 parking spaces shall be maintained for customer and employee parking. Parking spaces shall be provided on a dust free, all weather surface approved by the Public Works Department.
- b) Parking or waiting shall be discouraged along Highway 29.
- c) Landscaping shall be permanently maintained. A landscape plan shall be submitted to the department that accurately represents the existing plantings.

5. **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:

- a) Department of Environmental Management as stated in their letter of February 14, 2003;

- b) Department of Public Works as stated in their letter of February 7, 2003;
- c) County Fire Department as stated in their letter of February 6, 2003;

6. HISTORICAL RESOURCES:

The Grocery (including the Coca Cola sign) and the Victorian (and the associated stone walls) are Historical Resources. No future changes may be made affecting the historical integrity of any of these structures without review and approval by the Planning Department. Storage in the Victorian is limited to light items, such as packaged foods, utensils, and similar items.

7. MONITORING COSTS:

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 (\$88.00/hour as of December, 2002). Violations of conditions of approval or mitigations measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.