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Planning, Building and Environmental Services

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David Morrison
Director

August 22, 2014

Thomas F. Carey
P.O. Box 5662
Napa, CA 94581

Re: **NAPA SEA RANCH**
Rezoning and Zoning Text Amendment Application P14-00019-RZG
Assessor's Parcel Numbers (APN) 047-261-007 & -009

Dear Mr. Carey,

Thank you for your patience regarding the Planning Division formally responding to your request to rezone portions of the Napa Sea Ranch property located at 3333 Cuttings Wharf Road. It is hoped that this letter will provide you certainty on Staff's position on the matter as we have verbalized to you over the last several months.

The 50.69 and 6.42 acre adjoining properties currently have three zoning designations consisting of approximately 37 acres zoned Agricultural Watershed:Airport Compatibility (AW:AC), approximately 10 acres zoned Residential Single:Airport Compatibility (RS:AC), and 10.42 acres zoned Marine Commercial:Airport Compatibility (MC:AC). The underlying General Plan designation of the subject property is Agricultural Watershed and Open Space (AWOS). The proposal involves rezoning the entire property to MC:AC, and requesting a text change to the MC zoning regulations (County Code Section 18.34.030) to allow overnight camping as a use permitted upon grant of a use permit.

As you are aware, State law mandates that zoning must be consistent with the General Plan. To some degree you have responded to this mandate in your submittal materials by offering opinion on the proposal's consistency with several relevant General Plan policies. However, in all due respect and recognizing that professionals can have widely disparate opinions, Staff's understanding of the policies you referenced as well as other relevant General Plan policies is essentially the opposite of what you have put forth. Staff believe the requested rezoning is directly in conflict with General Plan goals and policies seeking to prevent the conversion of agriculturally designated lands to non-agricultural uses. Most notable are those provisions of the General Plan adopted by voter initiatives Measures J and P that require voter approval of any land use change to agriculturally designated property. General Plan Table AB/LU-B stipulates appropriate zoning designations in relation to each General Plan Land Use Category for considering changes in zoning. In the AWOS General Plan Land Use Category, Marine Commercial zoning is not permitted.

In moving forward with your request, we see two processing options. First would be to withdraw the pending request filed with this office and pursue the voter initiative process overseen by the County Registrar of Voters. The other option is to continue processing this application to public hearings before the Planning Commission and Board of Supervisors upon completion of a Planning Division prepared environmental document as stipulated by the California Environmental Quality Act (CEQA). As we have discussed, should the Board of Supervisors which to enact your request, they would be obligated to place their action on the ballot for voter endorsement before the rezoning could become effective. Given the nature of this request, Staff believe the most appropriate environmental document would be an Environmental Impact Report (EIR). A concurrent General Plan Amendment to re-designate the property with a non-agricultural land use designation may help address the General Plan consistency conflict as well.

At this point in the process Staff is compelled to advise you that we will not be recommending approval of this rezoning as it moves forward to decision makers. Certainly, the Planning Commission and Board of Supervisors are in no way obligated to follow any recommendation put forth by Staff, but we feel it is important that you are fully aware of our position before additional work is performed. Deputy County Counsel and I are available to meet further as you require. If you agree that an EIR is necessary, the next step in the process would be to contract with a qualified environmental report consultant and to prepare a scope of work for the EIR. I can be reached at (707) 299-1354 or john.mcdowell@countyofnapa.org.

Sincerely,



John McDowell
Deputy Planning Director

cc: Albert D. Giovannoni, Property Owner Trustee
David Morrison, PBES Director
Minh Tran, County Counsel
Laura Anderson, Deputy County Counsel