



A Tradition of Stewardship
A Commitment to Service

FILE # P14-00019

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

APPLICATION FOR A ZONE CHANGE

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Filed: 1/31/2014
REQUEST: _____ Date Published: _____
_____ Date Posted: _____
_____ ZA CDPC BS APPEAL
_____ Hearing: _____
_____ Action: _____

TO BE COMPLETED BY APPLICANT
(Please type or print legibly)

Applicant's Name: Albert D. Giovannoni, Trustee of the Albert D. Giovannoni Trust
Telephone #: (707) 252-2799 Fax#: () - _____ Email: u/A dated 7/3/91
Site Address: 3333 Cuttingsworth Rd. Napa, CA 94558 Assessor's #(s): 047-261-007009
Mailing Address: Same as above
Status of Applicant's interest in property: owner
Property Owner(s) Name: Same as above
Telephone #: () - _____ Fax#: () - _____ Email: _____
Mailing Address: _____

PLEASE ATTACH A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY

Zone Change: From AN:AC/R5:AC to MC:AC Text Change: add camping
as discretionary use.

Explain Fully the reason for zone change or zoning text change: General Plan and
Zoning consistency; see attached site plan
and project description; add overnight camping
to MC

I certify that the above statements are correct and that the plot plan is accurate.

[Signature]
Signature of Applicant

11/25/13
Date

[Signature]
Signature of the Property Owner

11/25/13
Date

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

*Total Estimated Fees: \$ _____ Receipt No. _____ Received by: _____ Date: _____

**Total Fees will be based on actual time and materials*

P14-00019
Rezone

Thomas F. Carey

Post Office Box 5662, Napa, California 94581 | 707-479-2856 | tcarey.law@gmail.com

January 29, 2014

VIA HAND DELIVERY

John McDowell, Deputy Planning Director
Napa County Department of Planning, Building and Engineering Services
1195 Third Street, Room 210
Napa, CA 94559

**RE: APPLICATION FOR ZONE CHANGE
NAPA SEA RANCH, 3333 Cuttings Wharf Road, Napa, California 94558
(Napa County Assessor's Parcel Nos. 047-261-007 & 009)**

Dear John:

I represent Al Giovannoni, Trustee of the Albert D. Giovannoni Trust, the owner of the above-referenced property located on the western bank of the Napa River at the southern terminus of Cuttings Wharf Road. The property currently is split-zoned MC Marine Commercial, RS Residential Single and AW Agricultural Watershed, with an :AC Airport Compatibility overlay. The property is designated Agriculture, Watershed and Open Space (AWOS) on the Napa County General Plan. By this letter and attached application, we request that the County rezone the entire property to MC:AC.

BACKGROUND

The property consists of two Assessor's Parcels (see attached Exhibits A and B) and is developed with a water recreational facility known as Napa Sea Ranch. The property originally was developed in the 1920s as "Norman's Fishing Resort." Norman's Resort included the portion of the property currently zoned MC:AC as well as the portion of the property lying on the west bank of the Napa River, currently zoned RS:AC, which housed vacation cabins. During its heyday, Norman's Resort maintained an inlet (roughly lying

between the portions of the property currently zoned RS:AC and AW:AC) that was used for swimming and boating. The inlet has since been filled in. See attached Exhibit C.

The AW:AC portion of the property now is used as a dredge spoils area for the Napa Valley Marina, and also includes a wastewater treatment pond, various outbuildings and a small fruit orchard.

The Napa Valley Marina lies immediately southwest of the property and Moore's Landing, a County-maintained boat launch, with public restrooms and a 50-space parking lot, lies immediately northeast of the property. Other surrounding uses consist of single family residences and agriculture. See attached Exhibit D.

The existing Marine Commercial uses at Napa Sea Ranch include:

- Bait and grocery store.
- Boat and Recreational Vehicle storage.
- Boat launch.
- Caretaker's residences.
- Day-uses, including boating and fishing.
- Two 100-foot-long floating docks.
- Dredge spoils area.
- Wastewater disposal pond.

The boat launch, day-uses, floating docks, dredge spoils area and wastewater pond all are located on lands not currently zoned marine commercial.

ZONING AND GENERAL PLAN CONSISTENCY ANALYSIS

Napa County Code section 18.34.010 states:

- A. The intent of the MC classification is to establish areas which will provide the public with improved waterfront use, enjoyment and accessibility by providing for a variety of water-related commercial developments, recreational activities, services, facilities, accommodations and amenities.

B. Only those commercially-zoned parcels or those portions of noncommercially-zoned parcels legally used for marine commercial uses as defined herein which front directly on the west bank of the Napa River, south of the city, may be zoned to this classification.

D. In addition to those parcels described in subsections (B) and (C) of this section, parcels eligible for inclusion within the MC zoning district shall have the following characteristics:

1. Napa River:
 - a. Adjacent to a paved highway or road,
 - b. Located within five hundred feet of the main river channel,
 - c. Not located in a floodway. Parcels located in a designated floodplain area must meet all requirements of the county flood control district and the requirements of the Napa River reclamation district,
 - d. Not located on lands classified as prime agricultural soils;

General Plan Policy AG/LU-43 states, “[l]ands along the west bank of the Napa River South of the City of Napa ... are appropriate areas for marine commercial zoning and development.” Furthermore, under General Plan Policy AG/LU 44:

For parcels fronting upon the west side of the Napa River south of the City of which are designated [AWOS or AR] on the Land Use Map of this General Plan which have commercial zoning, additional commercial zoning, additional commercial development will be allowed as follows:

- All existing commercial establishments that are currently located within a commercial zoning district shall be allowed to continue to operate and use the existing buildings and facilities.
- Additional commercial uses which are permitted by the existing commercial zoning of the parcel shall be permitted on that portion of the parcel zoned commercial.

The property meets the criteria set forth in Napa County Code section 18.34.010 for inclusion in the MC Zoning District. Consistent with Section 18.34.010(B), the noncommercially zoned portions of the property have long been utilized for marine commercial purposes. Consistent with Section 18.34.010(D), the non-MC zoned portions of the property are adjacent to Cuttings Wharf Road, within 500 feet of the main Napa River channel, not within the FEMA-defined Floodway and are not located on lands classified as prime agricultural soils.

Under General Plan Policies AG/LU 43 and AG/LU 44, additional development of the property only can occur (and even then only upon grant of a discretionary use permit) if the portions of the property currently not zoned marine commercial are rezoned to marine commercial. The proposed zoning change recognizes the continued historical uses of the property, allows consideration of additional uses for the benefit of the public, and does not result in an increase in the maximum building intensity of the property. (Indeed, the AW and RS Zoning Districts permit, as a matter of right, one single family dwelling plus one second unit per legal parcel whereas the MC Zoning District only allows one caretaker's residence per parcel upon grant of a use permit.)

This application also includes a request for a text change to Napa County Code section 18.34.030 add overnight camping as a use permitted upon grant of a use permit within the MC Zoning District, subject to the Outdoor Recreation standards set forth in Napa County Code sections 18.104.340 through 390.

In addition to the application and exhibits, please find enclosed a check in the amount of \$3,000.00 for the application fee deposit and a current land use notification package.

Thank you for your consideration. Please contact me if you have any questions.

Sincerely,



Thomas F. Carey

Certification and Indemnification

Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information including, but not limited to, the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of his/her knowledge. Applicant and property owner hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, *including the right of access to the property involved.*

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Albert D. Giovannoni, Trustee

Print Name of Property Owner

Print Name Signature of Applicant (if different)

Signature of Property Owner

11/25/13 Date

Signature of Applicant

Date

Pins

1 Cuttings Wharf Rd, Napa, CA 94559

(Napa Sea Ranch)

2 Cuttings Wharf Rd, Napa, CA 94559

(Moore's Landing Boat Launch)

3 Cuttings Wharf Rd, Napa, CA 94559

(Moore's Landing Restaurant)

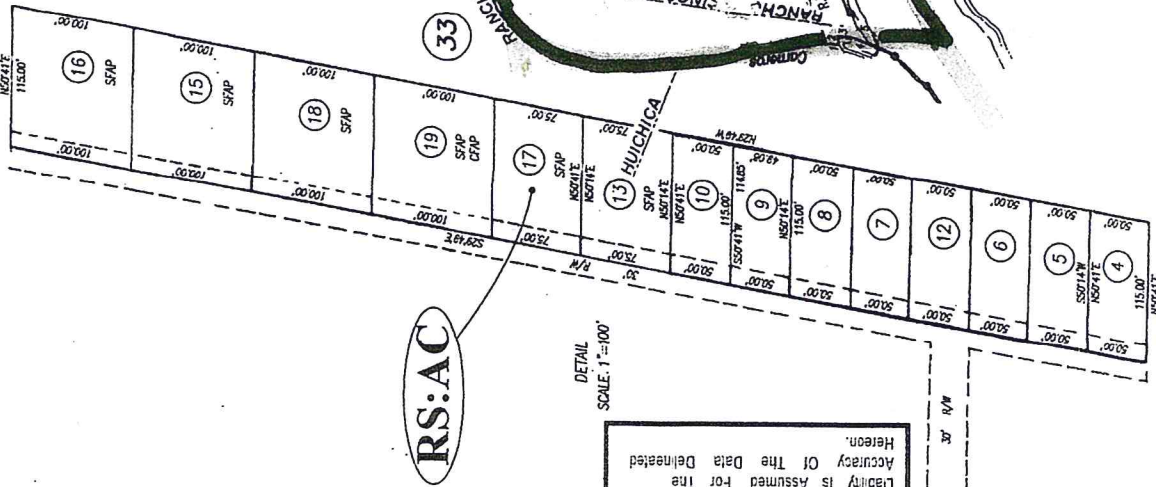
4 1200 Milton Rd, Napa, CA 94559

(Napa Valley Marina)



B

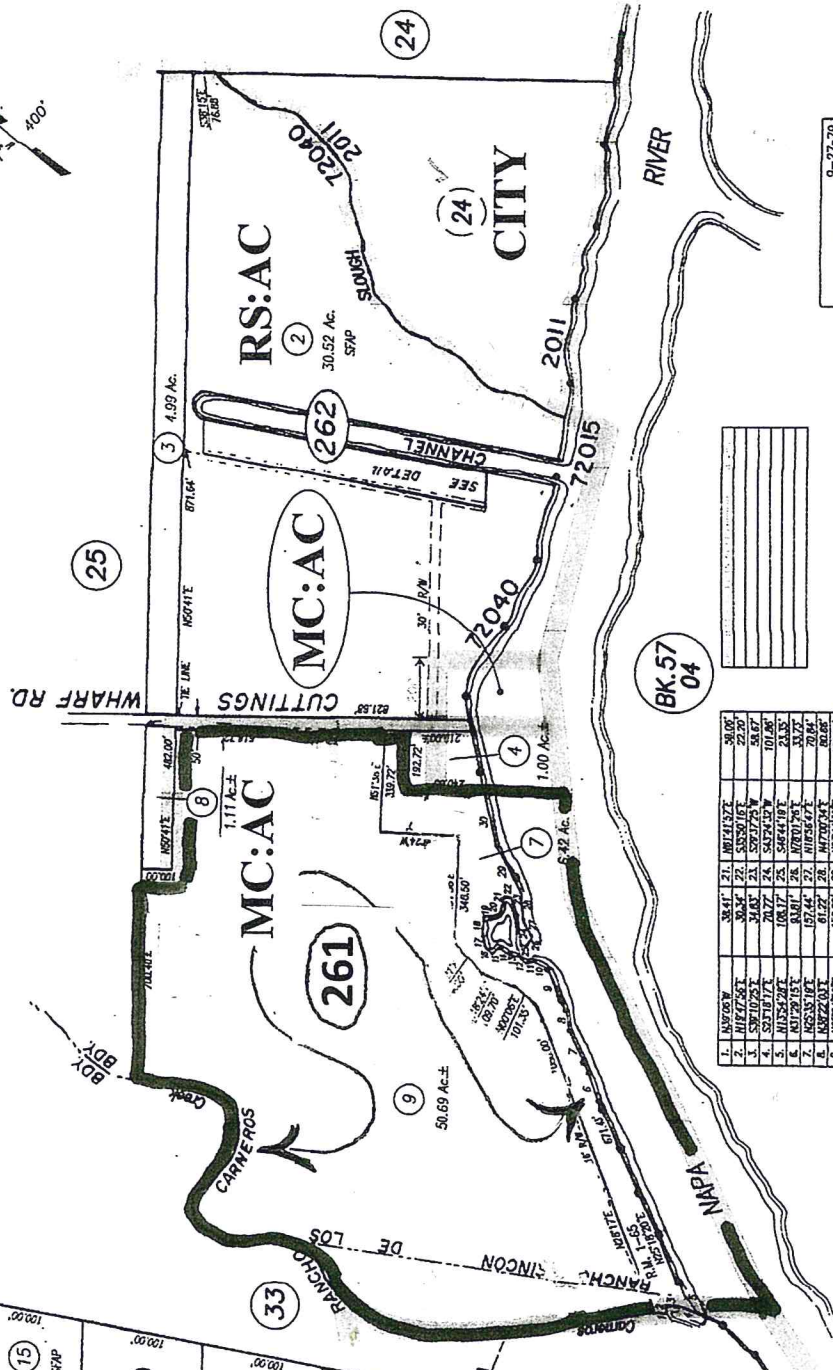
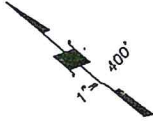
PROPOSED ZONING MAP (APNs 047-261-007 & 009)



POR. LOT 25 RANCHO RINCON DE LOS CARNEROS
R.M. BK. 1, PG. 65

Tax Area Code
2011
72040

47-26



REVISION	DATE
1	9-27-79
2	2-21-85
3	10-2-90
4	2-8-94
5	2-25-04

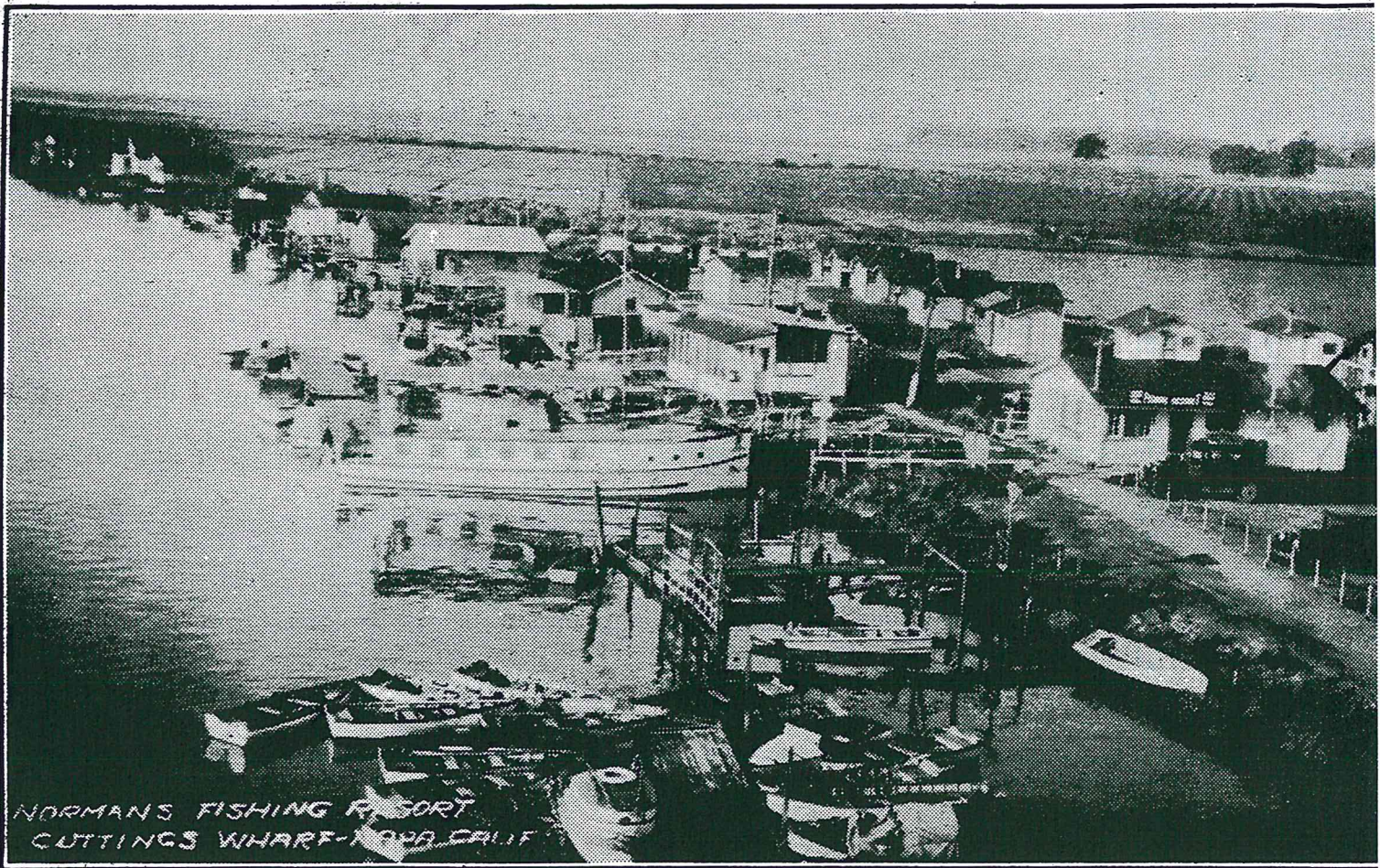
Assessor's Map Bk. 47 Pg. 26
County of Napa, Calif.
1956

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

28.3B
09-14-2004

NOTE: This Map Was Prepared For
Assessment Purposes Only. No
Liability Is Assumed For The
Accuracy Of The Data Delineated
Hereon.

DETAIL
SCALE: 1"=100'



Around 1935

NORMAN'S RESORT

Box No. 12, Cutting's Wharf Road

On Napa River

HOUSEKEEPING COTTAGES

Two Rooms With Modern Conveniences—Wood and Flamo Stoves

Rates	Per Day	Per Week
ONE ROOM	\$1.50	\$ 9.00
TWO AND THREE PERSONS.....	2.00	12.00
FOUR PERSONS	2.50	15.00

BLANKETS AND BED LINEN INCLUDED

GOOD FISHING :-: SWIMMING :-: HUNTING :-: GOOD CLEAN WATER
GROCERY STORE ON THE GROUNDS

BAIT

Boats \$1.00 Per Day

Deposit Must Accompany Orders

Free Towing Saturdays, Sundays and Holidays—Leave 8 a. m., Return 4 p. m.

Address for Reservations

NORMAN'S RESORT, Napa, California

Phone 54F13

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