

Thomas F. Carey, Attorney-at-Law

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

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SEP - 5 2014

COUNTY OF NAPA
CLERK OF THE BOARD

September 5, 2014

VIA HAND DELIVERY

Napa County Clerk of the Board's Office
1195 Third Street, Suite 310
Napa, CA 94559

RE: NOTICE OF INTENT TO APPEAL

To Whom It May Concern:

I represent Albert Giovannoni, Trustee of the Albert D. Giovannoni Trust, the owner of property commonly known as the Napa Sea Ranch and located at 3333 Cuttings Wharf Road, Napa, CA 94558 (Napa County Assessor's Parcel Nos. 047-261-007 and 009).

The purpose of this letter is to provide Notice of Intent to Appeal under Napa County Code chapter 2.88 within 10 working days of a decision of the Napa County Department of Planning, Building and Environmental Services (PBES) regarding Rezoning and Zoning Text Amendment Application P14-00019-RZG. Mr. Giovannoni filed that application on January 29, 2014, requesting the correction of Napa County's action decades ago to rezone the Napa Sea Ranch property from the old C-1 Commercial zoning district to an unworkable "triple-split" zone of MC Marine Commercial, RS Residential Single and AW Agricultural Watershed. That action rendered several existing commercial uses on the property, namely a dredge spoils pond and a wastewater disposal system serving the bait shop and RV storage uses located on the AW-zoned portion of the parcel and the boat launch and docks located on the RS-zoned portion, nonconforming. Under our proposal, the entire property would be rezoned to Marine Commercial, mirroring the zoning designations of the two adjacent properties -- the Napa Valley Marina and the County-owned and operated Moore's Landing Boat Launch and any new commercial uses on the property would require separate Use Permit approval, CEQA review and a finding of General Plan consistency. The

application also adds camping to the MC zoning district as a use permitted upon grant of a Use Permit.

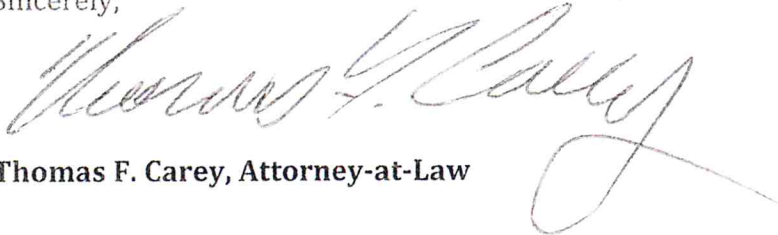
PBES's decision was transmitted to me via email on August 22, 2014 (see attached) and a hard copy of same was received by me via regular US Mail on August 29, 2014.

A complete Appeal Packet will be submitted within 10 working days of this Notice, if not sooner, under separate cover. In short, our Appeal challenges PBES's decisions that the proposed rezoning and text amendment application (1) is inconsistent with the policies of the Napa County General Plan; (2) would "increase the maximum building intensity" of parcels designated Agriculture, Watershed and Open Space under the General Plan and (3) would require staff to prepare an Environmental Impact Report in order to meet the requirements of CEQA.

Enclosed is a check in the amount of \$416.00 in support of this application.

, Please contact me if you have any questions.

Sincerely,



Thomas F. Carey, Attorney-at-Law

cc: Client
David Morrison, Napa County PBES Director (via hand-delivery and email)
John McDowell, Deputy Planning Director (via email)
Minh Tran, Napa County Counsel (via hand-delivery and email)
Laura Anderson, Deputy County Counsel (via email)
Brad Wagenknecht, Supervisor, District 1 (via hand-delivery and email)



APPELLANT'S
AND APPEAL

NAPA COUNTY CLERK OF THE BOARD'S OFFICE
1195 Third Street, Suite 310, Napa, California, 94559 • (707) 253-4421

SEP - 5 2014

CLERK OF THE BOARD

NOTICE OF INTENT TO APPEAL

(Chapter 2.88 of Napa County Code)

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

Appellant's Name: Al Giovannoni, Trustee
Telephone #: (707) 252-2799 Fax #: () None.
E-Mail Address: None.
Mailing Address: 3333 Cuttings Wharf Rd. Napa CA 94558
No. Street City State Zip
Action Being Appealed: County determinations re: General
Plan Consistency; (2) interpretation of Measures J+P, and
(3) requirement of EIR under
Date of Decision: 8/22/2014 CEQA (see attached)
Nature of Permit or Decision: Rezoning + Zoning Text Amendment.
Permit Number (if known): RIA-00019-RZG

[Signature] 9/4/2014 Albert Giovannoni
Signature of Appellant Date Print Name

TO BE COMPLETED BY CLERK OF THE BOARD

Notice of Intent to Appeal Fee: \$ 416.00 Receipt Nos. 000
Received by: [Signature] Date: 9/5/2014



A Tradition of Stewardship
A Commitment to Service

Planning, Building and Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

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.

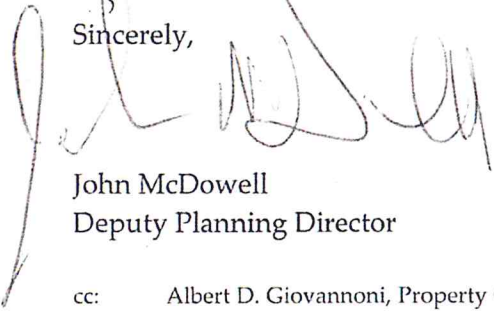
The 50.69 and 6.42 acre adjoining properties currently have three zoning designations consisting of approximately 37 acres zoned Agricultural Watershed:Airport Compatibility (AW:AC), approximately 10 acres zoned Residential Single:Airport Compatibility (RS:AC), and 10.42 acres zoned Marine Commercial:Airport 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 desperate 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 wish 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