

## **EXHIBIT A - FINDINGS**

### **NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT CONSERVATION & DEVELOPMENT PLANNING COMMISSION**

**BIN TO BOTTLE, LLC / MICHAEL McLOUGHLIN  
USE PERMIT # P08-00435-UP  
APN # 057-152-013**

#### **ENVIRONMENTAL:**

The following findings must be made in order to adopt the Mitigated Negative Declaration:

1. Find that the Planning Commission has read and considered the Mitigated Negative Declaration prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. Find that the Mitigated Negative Declaration is based on independent judgment by the Planning Commission.
3. Find that the Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. Find that there is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. Find that the Secretary of the Planning Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Conservation, Development & Planning Department, 1195 Third Street, Room 210, Napa, California.
6. Find that considering the record as whole there is no evidence that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.

#### **PLANNING AND ZONING ANALYSIS:**

**USE PERMIT:** The following findings must be made in order to approve the use permit:

7. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to property.

**Analysis:** The project is consistent with the 1986 Airport Specific Plan, and is consistent with the General Industrial : Airport Compatibility Combining (GI:AC) zoning district regulations which permit light industrial, warehousing, manufacturing, and office uses upon grant of a use permit. The project site is located in Zone D of the Airport Land Use Compatibility Plan which also allows the proposed uses.

8. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

**Analysis:** The use permit application has been filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Negative Declaration were posted on January 14, 2009 and copies were forwarded to appropriate persons on the mailing list. The public comment period ran from December 23, 2008 through January 14, 2009.

9. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

**Analysis:** Granting the Use Permit for the project as proposed and conditioned will not affect the health, safety or welfare of the County. Various County departments have reviewed the project and commented regarding grading, drainage, access, parking, building permits, and fire protection. The City of American Canyon and the Napa Sanitation District have agreed to provide public water and sewer service, respectively. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

10. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan and the Airport Industrial Area Specific Plan.

**Analysis: Compliance with the Zoning Ordinance**

The proposed use is consistent with the General Industrial : Airport Compatibility Combination (GI:AC) zoning district regulations, as conditioned, including setbacks, landscaping, building height, parking requirements, lot coverage and floor area ratio.

**Analysis: Compliance with the General Plan and Airport Industrial Area Specific Plan.**

The General Plan designates the airport area for industrial development. The project site is located within the General Plan land use designation Industrial and within the Business/Industrial Park designation of the 1986 Airport Industrial Area Specific Plan (AIASP) which allow the proposed use. The project site is also within Compatibility Zone D of the Napa County Airport Land Use Compatibility Plan, which also allows the proposed use. The AIASP has been reviewed for the proposals consistency. The proposed use is consistent with the goals, requirements, standards and policies in the General Plan, the AIASP, and the Land Use Compatibility Plan.

The goals established by the General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to plan for industrial land uses in locations that are compatible with adjacent uses and agriculture. Overall, the project was evaluated for and found to be consistent with General Plan policies concerning industrial land uses (listed separately below at the conclusion of these findings).

11. That the proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under §'s 13.15.070 or 13.15.080 of the County Code.

**Analysis:** The City of American Canyon will provide water service and the Napa Sanitation District will provide sewer service. "Will serve" letters have been issued by both jurisdictions indicating that they have adequate capacity to serve the project.

**VARIATION TO DEVELOPMENT STANDARDS:** The following findings must be made in order to modify site development standards:

12. The proposed modifications comply with the variation procedure requirements of Title 18 of the Napa County Code (Section 18.40.250 or 18.44.210, as applicable).

**Analysis:** Since this project site is located within the General Industrial zoning and specific plan area, Section 18.40.210 of the Napa County Code applies. The proposed use permit has been processed in accordance with the requirements of the applicable section, and the proposed variation can meet the following findings specified in the Zoning Ordinance:

- a. The development plan results in a project that is superior in terms of design and environmental impacts when compared to a project processed under the development standards specified by this chapter.

*The General Industrial zoning district allows a wide variety of warehousing, distribution, light industrial, manufacturing and office uses. This project consists of predominantly warehousing/distribution area with ancillary office areas. The complex is anticipated to employ approximately 4 people. The total number of parking spaces prescribed by the Specific Plan would be 23 spaces; the applicant proposes 14 spaces. Based on the anticipated number of employees, limited visitation and availability of shared parking on the adjacent property (also owned by the applicant), parking as proposed should be adequate. Providing total number of spaces required by Code is not physically available and would result in more paving/impervious surfaces on the site which would be more of an aesthetic and environmental impact. The proposed lot coverage increase from 50% to 56% is the result of a lot line adjustment to accommodate required setback for the adjacent custom crush winery facility, an affiliated use owned by the applicant and for which the proposed warehouse will service. Prior to the lot line adjustment, the building would have met the required lot coverage requirement. All other setback requirements will be met. This requested parking reduction and lot coverage increase will result in superior design than if the minimum requirements were more strictly applied.*

- b. The development plan results in a cohesive design and treatment of the site, including architecture, landscaping, signage and lighting.

*The project has a high quality design indicative of Industrial Park standards with high quality architecture, landscaping, signage and lighting.*

- c. The orientation and location of buildings, structures, open space and other features of the site plan protect and enhance existing natural resources or site features including

significant existing vegetation and maintain and enhance existing views from and through the site.

*There are very few natural features on the site. The project will not be visible from Highway 29 and will be screened from North Kelly Road with interim development, existing mature trees and new landscaping.*

- d. The overall project is consistent with the intent, purpose and applicable standards of the Napa County Airport industrial area specific plan.

*The Specific Plan seeks to promote business park and light industrial uses and has designated this area for development for over 20 years. Except for the requested variations to development standards, the proposed project is consistent with the Airport Industrial Area Specific Plan.*

- e. The site plan minimizes the effect of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.

*The project is a generally low traffic generator when compared to other allowed business park/light industrial uses such as office complexes, research and development facilities and other high employee based businesses. The parking proposed for the development should be adequate for the warehouse/distribution uses anticipated to locate at the complex.*

- f. The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate and other incentive provisions considered which encourage non-automotive travel.

*The project complies with all standards for alternative transportation. Provisions for on-site bicycle parking are required as a standard condition of approval.*

- g. The site shall provide open space and landscaping which complement buildings and structures. Said open space shall be provided in a manner so as to be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.

*The project has landscaping that generally exceeds minimum requirements and is indicative of other upscale development in the business park. The overhead roll-up doors at the truck loading areas are generally screened from view.*

- h. Design of the site plan and proposed structures shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures shall take into account maintenance of view.

Rooftop mechanical equipment shall be incorporated into the roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic control devices, transformer vaults and electrical meters shall be accessible and screened.

*The design of the project exceeds the design standards of the Industrial Park district and should represent an example of high quality development in the Airport area.*

- i. Signs, lighting fixtures, landscape improvements and similar common area features shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the building or structures to which they are attached. Multiple signs on a given site shall be of a consistent design theme.

*Signage, landscaping and lighting for the project will be consistent with the Airport Industrial Area Specific Plan requirements and in keeping with County expectations of such improvements established in the business park.*

- j. Provisions have been made for the permanent use and maintenance of parking areas and other common area fixtures used jointly by owners of the parcels included within the development plan. (Ord. 1234 § 10, 2004)

*Shared right-of-way access and parking through a license agreement between the project site and adjacent property, owned by the applicant, will ensure permanent maintenance and use of parking and other common area fixtures. Should the project site be sold as a separate property not related to the existing custom crush winery, a condition to abandon the license agreement prior to final sale and to ensure separate sanitary sewer service connection for the building is required.*

13. The proposed modifications, considered together with the site specific mitigation measures and restoration where necessary, will provide superior overall aesthetic, environmental, and/or economic benefit that the minimum development standards set forth in the Specific Plan.

**Analysis:** County staff believes the variation request holds merit and supports the request. All potential environmental impacts have been appropriately mitigated. The design of the project meets or exceeds the design requirements of the Airport Industrial Area Specific Plan resulting in an aesthetically superior project than could be required if the parking and landscape reductions were not sought.

14. The proposed modifications are consistent with applicable airport safety regulations.

**Analysis:** The proposed modification pertains to reducing on-site parking and landscaping requirements that do not directly affect airport safety.

### **General Plan policies:**

**Policy AG/LU-37:** The County will locate industrial areas adjacent to major transportation facilities. Necessary utilities and services, including child care centers, will be planned to meet the needs of the industrially zoned areas.

Policy AG/LU-38: The Airport Industrial Area Specific Plan (AIASP) was adopted in 1986 to set forth detailed land use and circulation standards, capital improvement requirements, associated financing, and improvement sequencing measures, as well as necessary supporting policies and regulatory procedures for the industrial area near Napa County Airport. The AIASP, as amended, implements the General Plan in the Airport Industrial Area.

Policy AG/LU-39: The County will plan for the reservation of sufficient industrial property to satisfy future demands for orderly growth and economic development of the County. Non-agriculturally oriented industry shall not be located on productive agricultural lands, but should be located in areas more suitable for industrial purposes.

Policy AG/LU-93: The County supports the continued concentration of industrial uses in the South County area as an alternative to the conversion of agricultural land for industrial use elsewhere in the county.

Policy AG/LU-95: New land uses in the South County Industrial Areas shall be compatible with or buffered from adjacent industrial uses and consistent with the Land Use Compatibility Plan for Napa Airport.

Policy AG/LU-96: The Airport Industrial Area is planned for industrial and business/industrial park uses that support agriculture and meet industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan. In 2004, the Airport Industrial Area Specific Plan was amended to recognize two hotels which were subsequently approved for construction. Further commercial uses in the area shall be limited to local-serving uses that support or serve the industrial and business park uses.

Goal, CON-1: The County of Napa will conserve resources by determining the most appropriate use of land, matching land uses and activities to the land's natural suitability, and minimizing conflicts with the natural environment and the agriculture it supports.

Policy CON-44: The County shall identify, improve, and conserve Napa County's surface water resources through the following measures:

- a) Evaluate and develop land use policies resulting in the appropriate density and mix of impervious surface and stable vegetation cover to improve water quality and reduce surface water pollution and siltation within domestic water supply watersheds.

Policy CON-60.5: All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

Policy CON-72: The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

- Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD's air quality improvement programs to reduce emissions. In addition to these policies, the County's land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County's land use policies also contribute to efforts to reduce air pollution.
- Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD.
- Policy E-10: Ancillary uses in the Airport Industrial Area shall be limited to locally-serving (i.e., business park supporting) uses, with regard to both nature and extent, as specified in the Airport Industrial Area Specific Plan.
- Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:
- 1) Adequacy of water supply.
  - 2) Site design for fire department access in and around structures.
  - 3) Ability for a safe and efficient fire department response.
  - 4) Traffic flow and ingress/egress for residents and emergency vehicles.
  - 5) Site-specific built-in fire protection.
  - 6) Potential impacts to emergency services and fire department response.