

## **Exhibit A**

### **FINDINGS**

#### **Tower Road Winery Co-op**

#### **Use Permit Modification & Variation to Standards Application № P08-00517-MOD**

#### **241 Tower Road, Assessor's Parcel № 057-110-028**

### **ENVIRONMENTAL DETERMINATION**

The Conservation, Development, and Planning Commission (Commission) has reviewed this project pursuant to the provisions of the California Environmental Quality Act (CEQA) and Napa County's Local Procedures for Implementing CEQA and makes the following finding:

1. That the proposed project is Categorically Exempt pursuant to CEQA Guidelines Section 15301 (Existing Facilities), CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations), and Napa County's Local CEQA Implementing Procedures Class 1 (Minor Modifications to Existing Industrial Facilities).

### **USE PERMIT MODIFICATION**

The Commission has reviewed the use permit modification request in accordance with the requirements of Napa County Code §18.124.070 and makes the following findings:

2. *That the Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property.*

The project is consistent with the Airport Industrial Area Specific Plan (AIASP) as amended, and is consistent with the General Industrial:Airport Compatibility (GI:AC) combining zoning district, which permits storage, warehousing, and associated office uses upon grant of a use permit.

The subject parcel is located in Airport Land Use Compatibility Plan (ALUCP) Zones B, C, and D, while the proposed addition is located entirely within Zone D. ALUCP Zone D allows warehouse uses. The 29 foot tall single-story proposed addition complies with the light, glare, electronic interference, and height limitations of its ALUCP Zone D designation.

3. *That the procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code have been met.*

The use permit application has been filed and notice and public hearing requirements have been met. The hearing notice was published on March 18, 2009 and copies were forwarded to property owners within 300 feet of the subject parcel.

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

Granting the use permit for the project as conditioned will not affect the public health, safety, or welfare. Various County departments have reviewed the project and commented regarding drainage, access, parking, and building permits. The American Canyon Fire Protection District has commented regarding fire protection. The City of American Canyon has agreed to provide water and sewer service. Conditions are recommended which will incorporate these comments into the project to assure the protection of health, safety, and welfare.

5. *That 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.*

As conditioned, the proposed use is consistent with General Industrial:Airport Compatibility (GI:AC) combination zoning district regulations, including front and rear yard setbacks, landscaping, building height, and loading requirements. Required findings can be made in support of the requested variations to development standards (parking, east sideyard setbacks, and lot coverage) as analyzed in **VARIATION TO STANDARDS**, below.

The General Plan designates the airport area for industrial development. The project site is located within the Industrial General Plan land use designation and within the General Industrial designation of the AIASP, both of which allow the proposed use.

The subject parcel is located in Airport Land Use Compatibility Plan (ALUCP) Zones B, C, and D, while the proposed addition is located entirely within Zone D. ALUCP Zone D allows warehouse uses. The 29 foot tall single-story proposed addition complies with the light, glare, electronic interference, and height limitations of its ALUCP Zone D designation. The proposed use is consistent with the goals, requirements, standards and policies of the General Plan, the AIASP, and the ALUCP.

6. *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 §13.15.070 or §13.15.080 of the Napa County Code.*

The City of American Canyon will provide water and sewer service. The city has issued a will-serve letter indicating that they have adequate capacity to serve the project.

## **VARIATION TO STANDARDS**

The Commission has reviewed the variation to standards request in accordance with the requirements of AIASP Section V(H) and makes the following findings:

7. *That the proposed modifications comply with the variation procedure requirements of Napa County Code §18.44.210.*
  - 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 Land Use Element of the AIASP includes standards for the development of industrially zoned land in the airport area including setbacks, parking requirements, maximum building heights, and numerous other regulations. The AIASP also states that, "where appropriate, these guidelines may be modified... where the proposed modification... will provide superior overall aesthetic, environmental, and/or economic benefit (sic) than the minimum development standards." This application requires three variations from the AIASP standards: 1.) to maintain the existing 21 parking spaces where 128 are required; 2.) to allow lot coverage of 56% where 50% is allowed; and 3.) to maintain an existing 20 foot east side yard setback where 65 feet is required.

### **Parking**

With 11 employees and abundant paved overflow parking, the existing 21 paved and striped parking spaces are fully adequate. The provision of 128 parking spaces, as required by the AIASP development standards, would result in needless additions to the hardscape currently existing on the property and would functionally limit the areas available for beneficial landscape screening.

### **Sideyard Setbacks**

The required 65 foot side yard setback results from the fact that the Tower Road Winery Co-op property is zoned GI, while its neighbor to the east is zoned IP. In the present case, the neighboring GI and IP parcels are developed to exactly the same use. The provision of a 65 foot setback between two uses which are substantially identical, simply because they are located in differing zoning districts, would represent a waste of the County's valuable and limited industrially zoned lands. The requested 20 foot setback is fully adequate to buffer the two existing wine storage warehouse uses and provides an economically superior project in that it maximizes the use of the county's limited industrial land base.

### **Lot Coverage**

The existing facility has a 53% lot coverage ratio, a figure which would increase to 56% should the proposed addition be built. In exchange for this additional development above the allowed 50% lot coverage maximum,

the applicant proposes to install additional trees and other landscaping at the rear of the facility, which has distant views to Devlin Road, and groundcover along the parcel's Tower Road frontage. The additional proposed landscaping will result in a superior project with regard to aesthetic and environmental impacts.

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

The project proposes additional landscaping and the proposed addition will not be visible from any public vantage point. The development plan results in a cohesive design and treatment of the site, including 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.*

The proposed addition will be located in an existing gravel area between two buildings. By locating the addition in an area which is already disturbed, the project minimizes impacts to other, more sensitive, portions of the site. New and additional landscaping is proposed both north and south of the existing structures. The project will protect and enhance existing natural resources and site features.

- d.** *The overall project is consistent with the intent, purpose and applicable standards of the Napa County Airport Industrial Area Specific Plan.*

The AIASP promotes warehousing and other industrial uses within the GI zone. Except for the requested variations to development standards, the proposed project is consistent with the standards incorporated into the AIASP. As analyzed herein, the requested variations are fully consistent with the variation procedures provided for in the 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 proposes no change to existing on-site circulation. The existing entry, drive aisles, walkways, etc. were analyzed and found consistent with the AIASP as a component of the approval of use permit U-338283, as amended. Existing development minimizes traffic impacts 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.

- 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 incorporated 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.*

In return for approval of the comparatively small addition proposed here, the applicant proposes additional landscaping at the northern and southern edges of the property. Existing landscape provides useful outdoor areas for employees and visitors to the site.

- 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.*

Neither the proposed addition nor any associated development will be visible from any public vantage point.

- 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.*

No new signage is proposed as part of this approval. Existing signage is limited and consistent with AIASP requirements.

- 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)*

The facility is owned and operated by the Tower Road Winery Co-op, a single entity.

- 8. *That 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.*

The provision of 128 parking spaces, as required by AIASP development standards, would result in needless additions to the hardscape currently existing on the property and would functionally limit the areas available for beneficial landscape screening. The requested 20 foot setback is fully adequate to buffer the two existing wine storage warehouse uses and provides an economically superior project in that it maximizes the use of the county's limited industrial land base. In exchange for this additional development above the allowed 50% lot coverage maximum, the applicant proposes to install additional trees and other landscaping at the rear of the facility, which has distant views to Devlin Road, and groundcover along the parcel's Tower Road frontage. The additional proposed landscaping will result in a superior project with regard to aesthetic and environmental impacts. As a whole, the proposed modifications, considered together with site specific mitigation measures, will provide superior overall aesthetic, environmental, and economic benefit as compared to minimum AIASP development standards.

- 9. *That the proposed modifications are consistent with applicable airport safety regulations.*

The proposed 13,307 square foot warehouse addition will not result in any additional on-site employment, will functionally decrease employment densities within the facility, and will thereby reduce the risks to human life and safety associated with the overflight of airplanes, helicopters, blimps, and sundry flying vehicles (both manned and unmanned). The requested setback and parking variations bear no relation to airport safety.