

**EXHIBIT A - FINDINGS**

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

**GATEWAY WINERY LLC  
TENTATIVE PARCEL MAP # P10-00363-PM  
APN 057-250-029**

**June 1, 2011**

**ENVIRONMENTAL:**

The following finding has been made pursuant to CEQA:

1. Find that the Planning Commission has determined the proposed tentative parcel map to create three condominium units and time extension request to allow the use permit to match the tentative map expiration date are both within the scope of the Mitigated Negative Declaration (MND) adopted for development of the site as part of Use Permit # P06-01532-UP on March 5, 2008. The proposals do not alter any environmental conclusion identified in the existing MND. No further environmental review or amendment to this document is required.

**PLANNING AND ZONING ANALYSIS:**

**TENTATIVE PARCEL MAP:**

Pursuant to Napa County Code § 17.14.060, the Planning Commission shall deny approval of a tentative map if the Commission makes any of the following findings:

2. That the proposed map is not consistent with applicable general and specific plans. A proposed subdivision shall be not deemed consistent with the Napa County General Plan and any applicable specific plan the County has officially adopted for the area where the land is located if the proposed subdivision or related land uses are not compatible with objectives, policies, general land uses and programs specified by such plan or plans.

**Analysis:** The project site is designated as Industrial Park on the adopted Airport Industrial Area Specific Plan (AIASP) and Napa County General Plan and is zoned I:AC and IP:AC (Industrial and Industrial Park : Airport Compatibility Combination) District. The project is consistent with the AIASP and Napa County General Plan policies, I:AC and IP:AC zoning district regulations that apply to this property. The proposed subdivision and site improvements associated with the subdivision are consistent with applicable County regulations.

3. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

**Analysis:** The tentative map would create a subdivision for three commercial condominiums with common area, Parcel A, which complies with the “Industrial Park” land use designation of the AIASP and Napa County General Plan.

**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 CON-13: The County shall require that all discretionary residential, commercial, industrial, recreational, agricultural, and water development projects consider and address impacts to wildlife habitat and avoid impacts to fisheries and habitat supporting special-status species to the extent feasible. Where impacts to wildlife and special-status species cannot be avoided, projects shall include effective mitigation measures and management plans.

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 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.

4. The site is not physically suitable for the type of development.

**Analysis:** The property is located within the I:AC and IP:AC (Industrial and Industrial Park : Airport Compatibility Combination) zoning districts and is located within an existing industrial park area. The proposed project is consistent with development standards contained in the AIASP. Located off Technology Way and Morris Court, existing County roadways, the project site is physically suitable for the proposed development.

5. The site is not physically suitable for the proposed density of development.

**Analysis:** The existing site is designated I:AC and IP:AC (Industrial and Industrial Park : Airport Compatibility) zoning districts which allow commercial/industrial development in the AIASP. Proposed building envelopes for winery/distillery/warehouse/office uses on each new parcel are generally level. The subdivision does not increase the acceptable density or intensity anticipated by the Zoning Ordinance and AIASP.

6. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Analysis:** An Initial Study/Mitigated Negative Declaration was adopted for the original Use Permit # P06-01532-UP development proposal. The proposed tentative map does not result in any physical changes to the undeveloped site except for creation of new property lines. In addition, the current Tentative Parcel Map request is Categorically Exempt pursuant to Section 13515, Minor Land Divisions, from the California Environmental Quality Act. All requirements of the Zoning Ordinance and applicable health and safety codes for subsequent development will be met. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

7. The design of the subdivision or the type of improvements is likely to cause serious public health or safety problems.

**Analysis:** The proposed tentative map is consistent with the I:AC and IP:AC (Industrial and Industrial Park : Airport Compatibility Combination) zoning districts and AIASP. The proposed development has been designed to and conditions of approval will be imposed such that the proposal will comply with County regulations concerning public health and safety.

8. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Analysis:** Existing creek conservation, utility and access easements included as part of the tentative map will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

#### **USE PERMIT MODIFICATION:**

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

9. The Commission has the power to issue a use permit under the Zoning Regulations in effect as applied to the Property.

**Analysis:** The project site is designated as Industrial Park on the adopted Airport Industrial Area Specific Plan (AIASP) and Napa County General Plan and is zoned I:AC and IP:AC (Industrial and Industrial Park : Airport Compatibility Combination) District. The project is consistent with the AIASP and Napa County General Plan policies, I:AC and IP:AC zoning district regulations that apply to this property. The proposed use permit modification request to allow a time extension of the original use permit to match the expiration date of the tentative map is consistent with applicable County regulations that grant the Commission to issue a use permit.

10. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code have been met.

**Analysis:** The use permit modification application has been filed and noticing and public hearing requirements have been met. The hearing notice and notice of Categorical Exemption from CEQA were posted on May 7, 2011, and copies of the notice were forwarded to property owners within 300 feet of the Property.

11. The grant of a use permit modification, as conditioned, will not adversely affect the public health, safety, or welfare of the County of Napa.

**Analysis:** Various County departments have reviewed the tentative parcel map and concurrent time extension request and commented regarding water, wastewater disposal, access, circulation, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of public health and safety.

12. 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.

**Analysis:** The proposed Minor Modification is a time extension request of approved Use Permit # P06-01532-UP. The project site is designated as Industrial Park on the adopted Airport Industrial Area Specific Plan (AIASP) and Napa County General Plan and is zoned I:AC and IP:AC (Industrial and Industrial Park : Airport Compatibility Combination) District. The project is consistent with the AIASP and Napa County General Plan policies, I:AC and IP:AC zoning district regulations that apply to this property.

As analyzed at item No. 3, above, the project is consistent with listed **General Plan Agriculture/Land Use, Conservation and Safety Section Policies**. Napa County's adopted General Plan reinforces the County's long standing commitment to agricultural preservation, urban centered growth, and resource conservation. On balance, this project is consistent with the General Plan's overall policy framework and with the Plan's specific goals and policies.

13 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.

**Analysis:** The proposed tentative map and time extension request will not result in any alteration of the previous conclusions regarding water supply for the project. Water service will be provided by the City of American Canyon as demonstrated with an updated "Will Serve" letter. No adverse impacts were identified. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.