

“A”

## Draft Resolution

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY,  
STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION,  
AMENDING THE NAPA VALLEY BUSINESS PARK SPECIFIC PLAN, AND  
APPROVING USE PERMIT NO. P17-00099-UP**

**WHEREAS**, California Government Code Section 65450 et seq. authorizes the County Board of Supervisors to adopt and amend Specific Plans; and

**WHEREAS**, the Napa Valley Business Park Specific Plan (hereafter “Specific Plan” and formerly known as the Airport Industrial Area Specific Plan) was adopted by the Board of Supervisors on July 29, 1986, and as amended through February 5, 2019; and

**WHEREAS**, Napa County has initiated consideration of an amendment to the NVPSP to allow conversion of an office building contained within a converted Victorian-era residence to a café, wine tasting and production facility, and office at the northwest corner of Devlin Road and Airport Boulevard within the IP:AC (Industrial Park: Airport Compatibility) zoning designation; and

**WHEREAS**, in compliance with Section 65090, notice has been published in the manner required by Section 6061 of the Government Code; and

**WHEREAS**, the Planning Commission (hereafter “Commission”) conducted a duly noticed public hearing on \_\_\_\_\_ for the purpose of receiving public testimony on the aforementioned Specific Plan Amendment, closed the public hearing and following the close of said hearing the Commission recommended \_\_\_\_\_ of the Specific Plan Amendment to the Board of Supervisors; and

**WHEREAS**, pursuant to Public Utilities Code Section 21676, on \_\_\_\_\_ the Napa County Airport Land Use Commission (the “ALUC”) reviewed the Specific Plan Amendment and determined that the Amendment was \_\_\_\_\_ with the Airport Land Use Compatibility Plan adopted by the ALUC on April 22, 1991, and as subsequently amended; and

**WHEREAS**, on the basis of its review of the proposal, the Board of Supervisors has determined that the proposed amendment of the Specific Plan is consistent with all elements of the General Plan and the applicable requirements of state law; and

**WHEREAS**, the Board of Supervisors has received and reviewed the proposed Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County’s Local Procedures for Implementing CEQA, and finds that:

1. The Board of Supervisors has read and considered the Negative Declaration prior to taking action on said Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment by the Board of Supervisors.

3. The Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. The Clerk of the Board of Supervisors is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building and Environmental Services Department, 1195 Third Street, Room 210, Napa, California.
6. Considering the record as a 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.

**WHEREAS**, the Board of Supervisors has received and reviewed the proposed project Use Permit (File No. P17-00099-UP) request and in accordance with the requirements of the Napa County Code §18.124.070 makes the following required findings for approval:

1. The Board has the power to issue a Use Permit under the Zoning Regulations in effect as applied to property. The project is consistent with the Specific Plan as amended, and is consistent with the Industrial Park: Airport Compatibility Combining (IP:AC) zoning district regulations which allow the proposed 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.
2. The procedural requirements for grant of a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met. 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 February 27, 2020, and copies were forwarded to appropriate persons on the mailing list. The public comment period for the Commission hearing ran from February 27, 2020 through March 17, 2020. A notice of the Board of Supervisors hearing was posted on \_\_\_\_\_, and the public comment period for the Board hearing ran from \_\_\_\_\_ through \_\_\_\_\_.
3. 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 proposed and conditioned will not adversely 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.
4. 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 Napa Valley Business Park Specific Plan. The proposed use is consistent with the Industrial Park: Airport Compatibility Combination (IP:AC) zoning district regulations, as conditioned, including setbacks, landscaping, building height, parking requirements, lot coverage and floor area ratio. The General Plan designates the 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 Specific plan which allow the proposed use as amended. 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 proposed use is consistent with the goals, requirements, standards and policies in the General Plan, the Specific Plan, 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.

**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.

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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-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.

5. 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 §'s13.15.070 or 13.15.080 of the County Code. 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.

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**NOW, THEREFORE, BE IT RESOLVED, FOUND AND DETERMINED** by the Board of Supervisors of the County of Napa, State of California as follows:

1. The foregoing recitals are true and correct.
2. The Board hereby adopts the Negative Declaration for the proposed project based on the findings set forth herein in the Recitals.
3. The Board hereby approves and adopts the Specific Plan Amendment as set forth in Exhibit "A" attached hereto. Consistent with Article XI, Section 7 of the California Constitution and the County's General Plan, the Board finds that the Specific Plan Amendment and this Resolution are in the best interests of the public health, safety and welfare.
4. The Board hereby directs the Planning, Building and Environmental Services Department to implement Specific Plan Amendment and the measures described therein.
5. This resolution shall take effect immediately upon its adoption.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Supervisors of the County of Napa, State of California, at a regular meeting of said Board held on the \_\_\_\_\_ by the following vote:

AYES: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_

ABSENT: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_  
 Diane Dillon, Chair  
 Napa County Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: _____ County Counsel</p> <p>Date: _____</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors</p> <p>By: _____</p>
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## EXHIBIT “A”

The Napa Valley Business Park Specific Plan is amended as follows, as indicated in **bold underline**:

1. Subparts i.2.B., i.2.C, and i.2.E of Section B.2 “Allowable Uses - Light Industrial/Business Park Areas” of Chapter V “Land Use Element” are amended or added to read in full as set forth below:

i. Ancillary retail, banking, and other professional or personal service commercial uses which are minor business park components, provided that:

2. Such retail, banking, and other professional or personal service commercial uses shall be located in the following areas:

B. Except as provided for in Sections i.2.C., i.2.D. and i.2.E. below, commercial uses located outside the Gateway Commercial Node are not permitted except for uses legally established prior to July 1, 2004.

C. Retail sales as an accessory use to other allowed uses, such as contractor’s showrooms, sales of products produced at wineries or food processing plants, may be allowed on a case-by-case basis through the project use permit on any Light Industrial/Business Park Area land. Food manufacturing or food processing plants located in Airport Land Use Compatibility Zone D may sell products produced on-site and may also establish a restaurant as an accessory use to the manufacturing or processing facility, provided food items sold at the restaurant include products manufactured or processed on site. Any restaurant established under this provision is required to cease operation if the primary food manufacturing or processing facility ceases such food manufacturing or processing operations.

E. One service station with a drive through window for a coffee shop, one convenience market, and one carwash are permitted on the southeast corner of Airport Boulevard and Devlin Road. A fast food restaurant shall not be permitted.

F. Retail fuel sales and a convenience market in conjunction with a truck and vehicle fueling facility on the west side of Devlin Road approximately 2,350 ft. southeast of its intersection with Soscol Ferry Road

G. **One 60 seat café and wine tasting room on the northwest corner of Airport Boulevard and Devlin Road.**