



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 1/18/2012

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: John McDowell, Deputy Planning Director - 299-1354

SUBJECT: Aetna Springs Retreat - Use Permit Major Modification P11-00385-MOD

RECOMMENDATION

AETNA SPRINGS RETREAT / AETNA PRESERVE LLC - USE PERMIT MAJOR MODIFICATION P11-00385-MOD

CEQA Status: The project consists of minor alterations and improvements to facilitate restoration and revitalization of an existing and use permit entitled historic facility qualifying as Categorically Exempt under Section 15301 - Class 1 "Existing Facilities", Section 15302 - Class 2 "Replacement or Reconstruction", Section 15303 - Class 3 "New Construction or Conversion of Small Structures", Section 15304 - Class 4 "Minor Alterations to Land", Section 15308 - Class 8 "Actions by Regulatory Agencies for Protection of the Environment", Section 15311 - Class 11 "Accessory Structures", Section 31 - Class 31 "Historical Resource Restoration/Rehabilitation", and Section 33 - Class 33 "Small Habitat Restoration Projects" of the California Environmental Quality Act and Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites enumerated under Government code section 65962.5, will not cause a substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works.

Request: Approval of a Major Modification to Use Permit #96349 to restore and revitalize the historic Aetna Springs Resort, a private recreational/educational/religious retreat with overnight lodging for a maximum of 100 guests on Monday through Thursday evenings and 200 guests on Friday through Sunday evenings including: (1) rehabilitation of 28 existing historic structures in accordance with the Secretary of the Interior's Standards for Restoring Historic Structures; (2) construction of a new approximately 12,000 sq. ft. lodging structure of similar design and in the same location as an extant structure lost to fire; (3) relocation of five structures currently located within County-established stream setbacks to sites further removed from Aetna Springs Creek; (4) construction of two new maintenance and service structures totaling approximately 2,400 sq. ft. in similar locations to the extant historic structures; (5) implementation of a Riparian Restoration Plan for Aetna Springs Creek; (6) restoration and replacement of historic manmade features within the historic site and within stream setbacks of Aetna Springs Creek in accordance with the U.S. Department of the Interior Standards for Compliance

with Historical Preservation Act of 1974; (7) relocation of the existing swimming pool adjacent to Aetna Springs Creek outside of stream setbacks and conversion of the existing swimming pool to an environmentally compliant contemplation pool; (8) reconfiguration of the existing "western" parking lot to County standards and outside of stream setbacks; (9) conversion from 25 on-site resident employees to 120 employees with a maximum of 45 employees per shift; (10) hosting of private events and meetings for members and guests; (11) replacement/installation of new domestic water supply and subsurface sanitary septic system; and (12) other minor related improvements. The subject historic resort is located on two parcels comprising 79.90 acres within an overall approximately 672 acre holding governed by Use Permit entitlement (UP#96349). The project is located at 1600 Aetna Springs Road approximately 4,000 ft. west of its intersection within Pope Valley Road/Butts Canyon Road within an Agricultural Watershed (AW) zoning district; Assessor's Parcel #'s: Resort APN's 018-300-017 & 018-300-018; Other APN's 016-040-036, 016-040-037, 016-040-038, 016-040-039, 016-060-020, 016-060-021, 016-070-002, 018-300-005, 018-300-020, 018-300-031, 018-300-032, 018-300-033, 018-300-045, 018-300-046, and 018-300-047; 1600 Aetna Springs Rd., Pope Valley.

Recommendation: Find the project categorically exempt and approve the Use Permit Major Modification as proposed with conditions of approval.

Staff Contact: John McDowell, 299-1349 or john.mcdowell@countyofnapa.org

EXECUTIVE SUMMARY

Project Action:

That the Planning Commission:

1. Find the Aetna Springs Retreat Use Permit Major Modification Categorically Exemption from the provisions of CEQA, based on finding 1 of Exhibit A;
2. Approve Use Permit Major Modification #P11-00385-MOD based on findings 2-6 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B).

Discussion:

Aetna Springs Retreat is a historically significant, but deteriorating resort located on agriculturally zoned land in the northern portion of Pope Valley. At the center of the 672 acre property is a cluster of 33 craftsman style resort structures listed on the National Register of Historic Places. The current property owner, Aetna Preserve LLC, requests approval of a use permit major modification to facilitate its restoration and revitalization. As detailed below, the property has a long and colorful zoning history, with the most notable zoning milestone being a 1997 use permit and certificate for legal nonconformity that entitled the property for use as a church, private recreational/educational/religious retreat with overnight lodging accommodations, and a public golf course. That entitlement remains valid and in full force although nonconforming with the underlining agricultural zoning.

Given the existing use permit and certificate of legal nonconformity, the applicant could restore the site by simply pulling building permits to repair the damaged and destroyed structures. This major modification is requested to enable the following changes which will improve the viability of the project and result in environmental improvements: 1) alteration and rearrangement of lodging rooms; 2) relocation of 5 structures outside of creek setbacks; 3) change employees from 25 on-site resident employees to 120 (off-site) employees with a maximum of 45 employees per shift; 4) construction of a new lodging building replicating a former structure destroyed decades ago; 5) relocation and installation of modern potable water and septic systems; and 6) construction of several minor accessory buildings and other site improvements, such as reconfiguration and improvement of the

existing dirt parking lot. The applicant is also proposing a riparian restoration project for Aetna Springs Creek, which traverses the historic site. All of these improvements are designed to comply with the Secretary of the Interior's Standards for Rehabilitating Historic Structures. (All of the project application materials, reports, studies and reference documents are part of the administrative record for this project and are on file with the Planning Department and available for review and inspection during normal business hours.)

In light of the existing entitlements, Staff's evaluation has primarily focused on whether the proposed changes are consistent with County zoning requirements and General Plan policies. Alterations to existing nonconforming conditional uses are allowed, but only to an extent that they do not increase the overall degree of nonconformity and do not increase the degree of the nonconformity as to the volume of business or production, hours of operation, volume of traffic generated or water produced or natural resources consumed. The most notable modifications to the current entitlement are the change to employees, and the construction of the new lodging building. Staff has concluded that these changes do not expand the overall scope of the use permit or increase the degree of nonconformity because the number of lodging and day use guests currently entitled will not be increased and the applicant is not seeking to add or intensify any uses. Therefore, the proposed modification is recommended for approval. Consideration should also be given to the fact that historic and stream restoration efforts proposed as part of this action go well beyond what the County could legally require if the applicant were to restore the use without a use permit modification and simply rely on the current entitlements. By allowing the applicant to construct one new lodging building replicating a long since destroyed structure, and allowing a change in the employee characteristics, the County will see one of its most iconic historic relics returned to vibrancy and benefit from a voluntarily proposed stream restoration project.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The "project" subject to review under the California Environmental Quality Act (CEQA) consists solely of the proposed changes to the existing entitlement. Not the facility as a whole. Under the existing entitlement, the property owner could obtain ministerially issued building permits to restore and revitalize the development. Changes from that existing entitlement consist of moving several structures, adding a new lodging building and several accessory structures, changing employment characteristics and performing revitalization improvements consistent with historic and environmental protocols. Consequently, within the context of CEQA, the overall change from the existing baseline entitlement condition is quite minimal and qualifies for several CEQA categorical exemptions. Please see Staff's CEQA environmental analysis memo attached and incorporated here by reference for further detail regarding the applicable categorical exemptions.

The project consists of minor alterations and improvements to facilitate restoration and revitalization of an existing and use permit entitled historic facility qualifying as Categorically Exempt under Section 15301 - Class 1 "Existing Facilities", Section 15302 - Class 2 "Replacement or Reconstruction", Section 15303 - Class 3 "New Construction or Conversion of Small Structures", Section 15304 - Class 4 "Minor Alterations to Land", Section 15308 - Class 8 "Actions by Regulatory Agencies for Protection of the Environment", Section 15311 - Class 11 "Accessory Structures", Section 31 - Class 31 "Historical Resource Restoration/Rehabilitation", and Section 33 - Class 33 "Small Habitat Restoration Projects" of the California Environmental Quality Act and Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not

result in damage to scenic resources, is not located on a list of hazardous waste sites enumerated under Government code section 65962.5, will not cause a substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works.

BACKGROUND AND DISCUSSION

Owner / Applicant: Aetna Preserve, LLC

Representative: Robert Radovan

Project Managers: Mohammad Javanbakht, Anna Shimko

Zoning: AW (Agricultural Watershed)

General Plan Designation: AWOS (Agriculture, Watershed & Open Space)

Filed: July 6, 2010 & October 4, 2010 (complete)

Project Area: Historic core resort area occupies approximately 80 acres; overall property is 672 acres

Existing Overnight Lodging Attendees: 100 persons Monday through Thursday evenings; 200 persons Friday through Sunday evenings

Proposed Overnight Lodging Attendees: No change

Existing Day Use Attendees: The total number of private events is unclear in the existing entitlements however an average of 150 persons, with a maximum of 250 persons per event is apparently allowed in addition to overnight visitors.

Proposed Day Use Attendees: 100 day use visitors in addition to the allowed overnight visitors resulting in 200 total visitors on weekdays and 300 total visitors on weekends.

Existing Number of Employees: 25 (residing on-site within employee housing dormitory)

Proposed Number of Employees: 120 over three 8 hour shifts, 45 maximum busiest shift

Days and Hours of Operation: 24 hours per day, 7 days per week (no change)

Existing Parking: informal/unimproved parking areas for approximately 150 vehicles, 5 spaces at the golf course clubhouse, and 47 spaces at the barn/maintenance buildings.

Proposed Parking: Four separate improved lots for a maximum of 241 vehicles (one 5 spaces lot next to the golf course clubhouse, 47 spaces at the barn/maintenance buildings, 14 spaces approved for the winery, and 175 spaces proposed on the western side of the historic resort area)

Adjacent Zoning / Land Use:

North

AW - Immediately north of the resort is the Aetna Springs Golf Course which is part of the overall 672-acre Aetna Spring Retreat property. North of Aetna Springs Retreat are AW-zoned parcels largely undeveloped but with several containing vineyards and residences.

South

AW - Immediately south of the resort is an existing vineyard and several undeveloped/natural area parcels within

the overall 672-acre Aetna Spring Retreat property. South of the Aetna Springs Retreat undeveloped parcels is a 400 acre forested hillside property owned by Biological Field Studies Association.

East

AW - Across Swartz Creek from the Retreat is the Young Winery property (100 acres) which also contains vineyards and residences. On the north side of Aetna Springs Road is the El Rancho Motel property which is a 160 acre holding containing several parcels.

West

AW - Adjacent to the western property of the core resort area is a 20 acre AW-zoned parcel containing a single family residence. North of Aetna Springs Road is a 12 acre parcel also containing a single family residence. Southwest of the core resort area is a 101 acre vineyard owned by MVP Vineyards LLC.

Property History:

1860's - Dwellings and farms are first established in the area in conjunction with mining activities.

1870's - The resort is established after discovery of warm mineral springs along the banks of Aetna Springs Creek and in the vicinity of what is now the golf course and other areas.

1880's through 1971 - Aetna Springs Resort operated, primarily on a seasonal basis as a private resort offering overnight accommodations and day use recreational activities with meals and beverages for guests. Day use included a wide variety of outdoor and indoor activities including the nine-hole public golf course.

1955 - County zoning is established. The subject property was zoned AWR - Agricultural Watershed Recreation. The AWR zoning allowed resort uses at the time.

1972 through 1976 - A development company purchased the 982-acre resort and proposed three successive development proposals for large scape residential communities. The first two proposals were denied by the County Board of Supervisors and the third proposal was withdrawn. At some point in the in the early 1970's the overall size of the holding was reduced to 672 acres as a result of outlying properties (primarily south of the Aetna Springs Road) being sold to others.

April 1976 - The property was purchased by New Education Development Systems, Inc. (NEDS), a non-profit corporation associated with the Unification Church. Shortly after acquiring the property NEDS applied for a use permit for a private, educational/recreational retreat center commencing a lengthy period of land use disagreements between the property owner and County.

November 1986 - After settlement of litigation between NEDS and the County, the Board of Supervisors approved a revised version of the use permit application originally filed in 1977. Throughout the period between 1976 and 1986, NEDS operated the educational/recreational retreat center as well as operating the public golf course. The 1986 use permit was for a recreational and retreat facility with overnight accommodations. A condition of approval was included limiting the term of the use permit to 10 years.

1988 - Outside of Napa County and in the first of a series of cases related to timing and vested rights associated with use permits, the California Appellate Court found that conditions limiting the term of use permits were invalid or unenforceable under most circumstances. (*Community Development Commission vs. City of Fort Bragg*)

February through December 1997 - The Zoning Administrator approves Certificate of Legal Nonconformity #96348-CLN establishing the extent of legal nonconforming uses occurring on the property (see attachments for listing of nonconforming uses).

April 1997 - The Planning Commission approved Use Permit #96349-UP, the currently operative use permit, which effectively replaced the expired 1986 use permit. The use permit was for a "church, and private recreational/educational/religious retreat uses with overnight accommodations..." and contained a condition of approval inextricably linking the Use Permit to the Certificate of Legal Nonconformity #96348-CLN. The resort uses identified in the CLN effectively became a component of the use permit, and consequently "run with land". Under State law, use permits run with the land and the uses remain in effect and may not be revoked or deemed abandoned without prior notice and a due process hearing. Although resort activities have not occurred on the property for years, because of the County's 1997 use permit approval, the property retains the right to operate a resort within the context of the "church, park and rural recreation use permit.

Late 1990's - Use of the facility by NEDS decreased and the property was leased to a Southern California development company.

March 1999 - The Board of Supervisors upheld the Zoning Administrator's denial of the developer proposed Site Plan Approval Application #98047-SPA to convert the resort's dining hall into a 100-seat public restaurant.

November 2000 - County voters reject Measure G which sought to redevelop the property with a 200 person-per-night resort. The "Measure J" vote was required because the developer's proposal sought to expand the facility beyond the scope of the 1997 use permit.

June 2001 - The Planning Commission approved the "Last Resort Winery" located on the north side of Aetna Springs Road in close proximity to the historic barn. The winery permit has been activated (aka "used"), and remains valid, but the winery building has not been constructed.

October 2006 - The current property owners, Aetna Preserve LLC, acquired the property and received approval of Minor Modification P06-01144-MOD to rearrange several golf course greens and tees.

April 2007 - The Planning Commission approved Major Modification P06-01526-MOD to allow additional improvements to the golf course including replacement of the starter/snack shack with a new club house. Course and club house improvements were completed several years ago and presently are open to golf course patrons for weekend business.

July 2011 - The current proposal was submitted as a minor modification application (P11-00238-MOD). Upon further review and discussion with the applicant, the application was converted to a major modification due to the change in employees and the new Owen's lodging building.

Code Compliance History:

Three years ago when the golf course was being renovated, foundations for two additional water tanks were started in addition to the two tanks approved to support the golf course renovation. Construction was red tagged, and the incomplete water tank foundations remain. This proposed project requires additional water storage, and the applicant is requesting approval to complete those two water tanks as part of this action.

Discussion Points:

1. Zoning/Use Permit Consistency - As evidenced in the history section above, the property's entitlement history has been very fluid, complex and unique. For many decades prior to the County adopting zoning regulations, the property operated as a legal conforming resort. In 1955, the County adopted its first zoning regulations and the resort remained an allowed use until some point in the mid-1970's when the County curtailed most non-

agricultural uses on agriculturally-zoned lands. Coincidentally at that point, the property was acquired by NEDS and use of the site transitioned from a resort to more or less a religious based summer camp. Over the next 20 years, the County and NEDS battled over the allowable uses of the property resulting in several legal actions, the issuance of a use permit in 1986 (applied for in 1977), and finally the issuance of the currently operative use permit/certificate of legal nonconformity in 1997. By 1997, the property was zoned AW - Agricultural Watershed, which precluded new use permits for resorts, and thus the resort was rendered a preexisting nonconforming conditional use (planner jargon meaning a "grandfathered" use). In fact, the 1997 use permit oddly deals with the zoning limitations on commercial uses by authorizing the use as a church, and private recreational/educational/religious retreat with overnight accommodations. Essentially, the County approved a resort use permit (apparently because the County was legally obligated to recognize it as such since it had been a resort for well over 100 years) but was compelled to call it a church and rural recreational use so as to meet the currently applicable zoning regulations. The permit history is messy to say the least, but the result is fairly straight forward: The property has a use permit for a retreat/resort.

The current proposal involves altering/improving the property, and changing some operational characteristics (such as employee counts), but does not alter any of the primary and accessory uses entitled under the existing permit. Denial of this use permit modification would in no way preclude the permittee from operating the resort as noted in the project description except that the permittee would not be authorized to rearrange room layouts, move buildings, construct the limited new buildings or change the employee characteristics. Given the church component of the entitlement, the permittee is obligated to have a religious based component by offering religious based activities outlined in the scope of the 1997 use permit. These religious based activities are broadly defined to include contemplation, meditation, singing, music, religious instruction, and other similar activities. However, the 1997 does not mandate (and cannot mandate) that visitors, patrons, guests, or any other persons occupying the property participate in the religious based activities offered.

2. Landmark Preservation Ordinance - Because this project has an existing use permit, this proposal does not need to rely on the recently adopted Landmark Preservation Ordinances. Although landmark preservation is a key component of the proposed restoration, the new ordinances are not applicable because the applicant is not seeking to change any primary components of the currently entitled use. Technically, the permittee could proceed with redevelopment of the site by simply obtaining ministerial building permits for the repair and replacement of structures and that would not trigger the degree of historic preservation efforts that are currently proposed. While the new ordinances do allow the property owner the ability to someday request new commercial uses or reestablishment of other historic uses beyond what is currently entitled, the applicant has informed Staff that they have no intention of pursuing any such endeavor at this time.

3. Building Restoration/Reconfiguration - The attached Aetna Springs Preservation Plan prepared by Architectural Resource Group, Inc. (ARG) and Smith and Smith speaks for itself. ARG is a leading historic resource preservation firm with extensive experience in both Napa County and abroad. From a technical prospective, the proposed preservation plan is fully compliant with all State and Federal historic preservation protocols, and therefore Staff supports the concept as proposed. There are two major components to this plan that relate to the use permit modification that the Commission should carefully evaluate.

First, a use permit modification is triggered due to the reconfigured interior spaces of most of the existing buildings. The structures being reconfigured will be largely dedicated to lodging rooms. Under the current permit, overnight guests and employees were housed throughout the campus in what were predominately turn of the century summer homes containing kitchen facilities, individual bedrooms and shared bathrooms. These structures will be reconfigured into private guest rooms with independent bathrooms and no kitchen facilities. Exterior building alterations will be minimal, but interior alterations will be extensive.

Second, a new lodging building, called the Owen's building, will be constructed on the north side of Aetna Springs Road near the new golf course clubhouse. This building will be placed within the remnant foundation of the

original owner's residence which was lost to fire in 1908 and ultimately removed in the 1950's. The exact size and floor plans of the original structure are unknown, but estimated at approximately 6,000 square feet. By relying on site photos and historic records, ARG has proposed a structure with a scale and architectural style that emulates what previously existed although twice the floor area of the original building. The applicant is requesting this new structure in order to reach the allowed maximum number of overnight lodgers entitled by the use permit. This is necessary due to the reconfiguration of the existing rooms into what are essentially modern hotel rooms. Alteration of historic structures and addition of new complimentary structures in this manner is recognized under State and Federal preservation protocols as an appropriate form of restoration. Restoring the facility without reconfiguring the rooms would likely jeopardize the economic viability of the use as evidenced by the fact that the resort has sat vacant from approximately 20 years.

4. Site Restoration - Rehabilitation of site improvements has been a somewhat challenging balancing act between upgrading the facilities and preserving the historic character. The applicant worked with commenting departments (Public Works, Fire, Environmental Management) to ensure that all basic health and safety features will be upgraded to current standards. Likewise, County Departments were as sensitive as possible to keeping the historic features uncompromised. The result is that resort support facilities will be staged from the modern day existing buildings over by the golf course, and the core historic district site features will be restored to a state much as they were 100 years ago. Travel paths within the historic area will be for pedestrians excepting that several paths will be designed to support emergency and service vehicles. A modern fire suppression system, complete with appropriately spaced fire hydrants will be installed, but has been appropriately incorporated into the historic setting.

5. Stream Restoration Project / Stream Setbacks - The applicant is voluntarily proposing a stream restoration plan in concert with the preservation plan. Unlike most stream restoration plans, this plan has been designed in accordance with the Department of the Interior Standards for compliance with the Historic Structures Act of 1974. This is necessary because the restoration work will include preservation of historic features within the stream corridor. The plan calls for the relocation of several historic structures, conversion of the creekside swimming pool to a contemplation pond with native landscaping, and overall reintroduction of native species within the context of the historic buildings, paths and bridges that will be restored. Under the current use permit entitlement, the permittee has a right to restore all of these historic manmade features, except for the stone bridge near the mineral bath, without implementing any sort of stream restoration plan. County Staff believe that the proposed use permit modification, inclusive of this stream restoration plan, is a superior alternative to restoration under the current permit, or to leaving that site as-is.

During review of the plan, much attention and discussion centered around how to treat the existing creek side swimming pool. Under the current use permit entitlement, the permittee could simply restore the pool to active use. Fortunately, the applicant has sought to relocate the swimming pool to the more suitable and environmentally superior location adjacent to the social hall, which left the question open as to what to do with the existing pool. Staff had suggested removal of the feature, but the restoration specialist opined that removing the feature could be highly damaging to the creek, and incorporation of the historic feature into the natural setting was a more appropriate way to address the situation under the Historic Structures Act of 1974.

In accordance with the County's Conservation Regulations Chapter (18.108), a stream setback use permit exception is not required for any of the proposed improvements because the work being performed: 1) will reduce the number of preexisting legally established encroachments within stream setbacks; 2) is being conducted as part of a stream restoration project under the auspice of the County; and 3) is subject to review and approval by the State Department of Fish and Game (DFG) and State Regional Water Quality Control Board. All improvements remaining within stream setbacks will continue to be preexisting legal uses governed by use permit. Maintenance, repair, and/or restoration of existing legally established improvements within creek setbacks is allowed under the Conservation Regulations so long as those activities do not result in greater encroachment into stream setbacks. The proposed modification vastly improves the current setting, as well as the what is

allowable under the current unmodified use permit.

6. Water and Septic System Improvements - Presently the site contains both a functioning ground water well supplied private water system and aeration pond septic system. The septic ponds are located on the upper terrace of the south bank of Aetna Springs Creek. If the property owner were to rely only on the existing use permit to refurbish the sight, the County could require an upgrade to both the water and septic system, but could not ultimately require the entirely new, state-of-the-art systems that are being proposed with this use permit modification. The new replacement septic system has two very substantive benefits over upgrading the existing system. First, and foremost, the existing system is adjacent to the upper banks of the creek and a system failure or breach could have tremendous adverse consequences to the stream. The new system relocates all treatment components well outside of County stream setbacks. Second, the new system will reuse a substantial portion of the treated water on the existing golf course thereby reducing golf course water demands on surface reservoirs and preserving groundwater.

7. Water Use - Attached is a ground water availability analysis provided by the project engineer. It indicates that the project will continue to rely on the existing ground water wells to supply the use. Since the overall property size is 672 acres, and since the existing golf course primarily does not rely on ground water for irrigation, the project engineer concludes that there is sufficient ground water available to serve the use. Public Works Staff have reviewed the analysis and agree with its conclusions. The engineer also provided a background analysis on water recharge rates for the basin and opined that because the anticipated groundwater extraction rate is less than the anticipated recharge rate, the project will not have an adverse impact on the groundwater resources or surface water flows in the area. As noted early, the County's discretion on this project is limited to the changes being proposed and must account for the fact that the retreat/resort could reopen under the current operative use permit, which has no limitations or restrictions on groundwater use. Water use under the current entitlement could be as high or higher than the current proposal. Under current building code requirements, use of water efficient fixtures is encouraged. Site landscaping under this proposal will be subject to the County's Water Efficient Landscape Regulations.

8. Traffic - Pope Valley is a remote area with a low population density. Existing and projected traffic volumes in the area are very low, both with and without the project. Consequently, changes in traffic conditions as a result of restoring the property to active use will not result in reduced levels of service (congestion). Traffic volumes will increase over existing conditions with the proposed project, or in the event that the facility were to reopen under the 1997 use permit. A traffic analysis, prepared by LSA Associates, indicates that no significant changes to traffic conditions will result from the project. The most significant change to traffic characteristics from the 1997 use permit is the result of the change from 25 on-site employees to 120 (off-site) employees spread over three shifts. This results in an increase in employee trips coming to and from the facility, but the increase is insignificant given the low existing traffic volumes and the relatively small number of employees per shift (maximum of 45). Other traffic generation aspects, like deliveries, visitor/guest trips, public golf course trips, do not change from what is currently entitled. In addition to the initial traffic analysis, attached is a supplemental traffic analysis evaluating the project's potential to contribute to cumulative impacts.

9. Bat Roosting - The existing rural and somewhat natural setting has proven itself suitable for native species. Presently, bats roost in several of the historic structures and this habitat will need to be replaced as part of this project. The applicant has agreed to implement the bat roost compensation plan prepared by LSA Associates for this project.

10. Mine Features - In the vicinity of the Mineral Bath and Soda Fountain buildings are two remnant mine features from the late 1800's. These features have been evaluated for hazards by Burleson Consulting, a qualified geologist, and the applicant has agreed to implement restoration work recommended by the geologist to secure the features. The restoration proposal has been reviewed by the County Building Official and Public Works staff, and securing these features must be implemented as part of overall construction.

11. Events / Day Use - Under the current use permit/certificate of legal nonconformity there are a variety of private events and activities described that more or less limit event participation to an average of 150 persons and a maximum of 250 persons. The use permit/CLN is unclear how these private event limits relate to allowance for day use visitors. Also, use limits on the public golf course are separately described. With this use permit modification, Staff is proposing to simplify and clarify these operating parameters. By setting a maximum number of day use members/guests in addition to the overnight lodging members/guests. No greater than 100 persons will be allowed on site during the day in addition to allowance for overnight lodgers (100 weekdays, 200 weekends), and employees (45 busiest shift). This maximum load approach will be straight forward for the permittee to implement and for Staff to monitor should the need arise. If an event were to exceed these numbers the permittee could request a Temporary Event License allowed under County Code.

Consistency with Standards:

Building Division Requirements

The Building Division recommends approval with standard conditions.

Fire Department Requirements

The Fire Department supports the proposed improvements to parking areas and internal access roads. Building safety and wildland fire interface safety will be greatly improved as part of the project. The Department recommends approval of the modification with conditions of approval per their memo July 21, 2011.

Public Works Department Requirements

The Public Works Department recommends approval with conditions of approval under their memo dated December 27, 2011.

Environmental Management Department Requirements

The Department supports replacement of the existing water and septic system with a new system designed to meet current standards. Please see their memo of December 28, 2011.

Sheriff's Department Requirements

The Sheriff's Department has reviewed this application and has no comment.

SUPPORTING DOCUMENTS

- A . Exhibit A - Proposed Findings
- B . Exhibit B - Proposed Conditions of Approval
- C . Aetna Springs Building Areas Table
- D . Aetna Springs Building Location Map
- E . Agency Conditions Memos
- F . Previous Entitlements
- G . CEQA Exemption Memo
- H . Application & Project Narrative
- I . Building Relocation Map
- J . Use Permit 96349-UP Historic Resort Area Map

- K . Applicant Letter - Permit History
- L . Preservation Plan - Part 1
- M . Preservation Plan - Part 2
- N . Preservation Plan - Part 3
- O . Riparian Restoration Report
- P . Project Engineer Site Improvements Letter
- Q . Traffic Report
- R . Supplemental Traffic Analysis
- S . Water Availability Analysis
- T . Historic Water Usage Memo
- U . Supplemental Water Availability Analysis
- V . Wastewater Feasibility Study
- W . Green House Gas Analysis
- X . Biological Resource Report
- Y . Bat Roosting Compensation Plan
- Z . Geologist's Mine Features Letter
- AA . Geologist's Map Features Map
- BB . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell