



CITY of NAPA

Community Development Department – Planning Division
1600 First Street + P.O. Box 660
Napa, CA 94559-0660

(707) 257-9530

PLANNING COMMISSION STAFF REPORT

June 7, 2012

AGENDA ITEM 6.A: PL12-0005-PRZ **MATERIAL DIVERSION FACILITY PRE-ZONE**

I. GENERAL INFORMATION

PROJECT SUMMARY: Pre-zone of existing City owned Material Diversion Facility prior to annexation

LOCATION OF PROPERTY: 820 Levitin Way (within the County of Napa)
APN 057-110-049, 057-110-052, 057-110-065, 066, 067 & 068

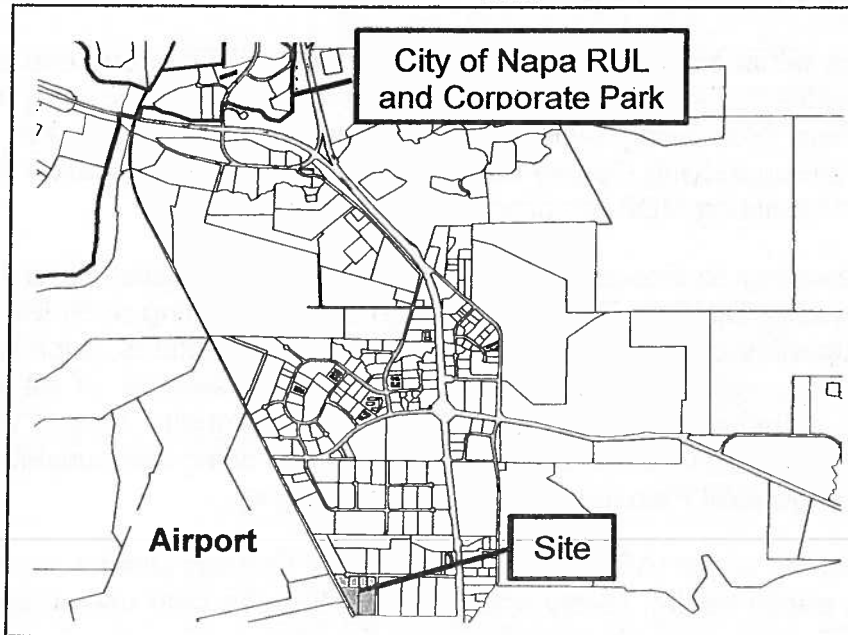
GENERAL PLAN: County GP – Industrial

ZONING: Existing: County GI:AC
Proposed: City PQ-P:AC, Public, Quasi-Public: Airport
Compatibility Overlay District

APPLICANT/ PROPERTY OWNER: City of Napa (Jeff Freitas, Real Estate Manager)
PO Box 660
Napa, CA 94559

STAFF PLANNER: Scott Klingbeil, Senior Planner Phone: (707) 257-9530

LOCATION MAP



II. PROJECT DESCRIPTION

The City of Napa is in the process of annexing the Materials Diversion Facility ("MDF") located at 820 Levitin Way. As part of this process, the City must Pre-zone the six parcel, 18.6-acre MDF site to PQ-P:AC, Public Quasi Public: Airport Compatibility Overlay District. This Pre-zone is consistent with the Local Agency Formation Commission ("LAFCO") policy requiring all City-owned properties intended for annexation to be Pre-zoned prior to annexation. The purpose of the annexation is to reduce the property tax obligation on the City relating to land it owns outside of the city limits. Upon annexation, the City of Napa would be relieved of the expense of paying property taxes on these six parcels.

III. PROJECT CONTEXT

The project site is located on the southwest corner of the Levitin Way and Tower Road intersection. The MDF is located within an industrially developed area of South Napa County with neighboring uses that include: the Napa County Airport across the Southern Pacific Railroad tracks to the west; a vacant industrial property to the south; a concrete pipe manufacturer to the east across Devlin Road; and two trucking companies across Tower Road to the north. The facility has been in operation at this location since 1994 and the parcels on which the MDF are location were purchased by the City in 2004.

Municipal Code Section 17.04.030 stipulates that the City of Napa's zoning regulations shall apply to land within the city limits, to include land owned by the City of Napa, except for its streets and rights-of-way, and publicly owned rivers and creeks. The Pre-zone application has been submitted because the subject properties are owned by the City of Napa and the PQ-P:AC District zoning would apply to the MDF site with LAFCO approval of the annexation.

IV. ANALYSIS

A. GENERAL PLAN & ZONING

The property lies within Napa County's "Industrial" General Plan land use category. This designation provides for a variety of industrial uses such as warehouses, manufacturing, wineries, and food processing facilities that are industrial in character. The MDF is consistent with the underlying County General Plan industrial designation for the site and no changes to the existing MDF are proposed with the Pre-zone.

The City is proposing to Pre-zone the facility PQ-P:AC, Public-Quasi Public: Airport Compatibility Overlay District. The primary PQ-P District zoning provides for public and quasi-public properties dedicated to community serving purposes, such as government offices and related community service facilities, public schools of all levels, private schools with a significant enrollment, and major community health facilities. The existing MDF use and the Public-Quasi Public District zoning are considered consistent with the County's General Plan industrial land use category.

The specific purpose of the :AC, Airport Compatibility Overlay District zoning regulations is to protect the public health, safety and welfare within the land use compatibility zones of the Napa County Airport identified by the Napa County Airport Land Use

Compatibility Plan (ALUCP). The :AC Overlay District may be combined with any zoning district consistent with the purpose and provisions of this district. Regulations established by the :AC Overlay District shall be in addition to the regulations of the principal zoning district with which they are combined, and in the event of a conflict between the two, the provisions of the :AC District shall take precedence. The property is currently designated with the :AC Overlay under the Napa County's zoning ordinance, therefore no impacts are anticipated with the existing use.

B. APPLICABLE STATE LAW FOR NON-CONTIGUOUS ANNEXATIONS

The MDF and its associated parcels are non-contiguous to existing city limits. Pursuant to California Government Code §56742, upon approval of the LAFCO Commission a city may annex non-contiguous territory that does not exceed 300 acres if the territory meets all of the following criteria:

1. It is located in the same county as that in which the city is situated;
2. It is owned by the city; and
3. It is being used for municipal purposes at the time proceedings are initiated.

The proposed annexation of the MDF parcels satisfies the criteria noted above for the annexation of non-contiguous territory. Government Code §56742 also states that should any or all of the annexed territory be subsequently sold by the city, it shall cease to be part of the city limits.

C. DESIGN REVIEW

The MDF site is currently developed with industrial type buildings and parking lots, and no physical changes to the buildings or site are proposed with the Pre-zone and future annexation of the site. Therefore, design review is not required as part of the Pre-zone.

D. ENVIRONMENTAL REVIEW

City staff prepared an environmental evaluation (Initial Study) of the potential for environmental impacts resulting from adoption of the Ordinance on May 16, 2012. The Initial Study concluded that no adverse impacts would occur as part of the Pre-zone and annexation. Therefore, staff recommends that the Planning Commission determine that there is no substantial evidence, in light of the whole record before the Commission, that adoption of the Pre-zone analyzed in the Initial Study dated May 16, 2012 will have a significant effect on the environment; and that the Planning Commission adopt a Negative Declaration for the project pursuant to CEQA Guidelines Section 15074.

V. REQUIRED FINDINGS

The following findings from Zoning Ordinance Section 17.66.080 must be made in order to approve the Pre-zone:

1. The proposed amendment is consistent in principle with the General Plan.

The Pre-zone of the MDF site to PQ-P:AC, Public-Quasi Public: Airport Compatibility Overlay District will be consistent with the property's existing operations and the City's ownership of the properties. The existing public serving use and the PQ-P:AC, Public-

Quasi Public: Airport Compatibility Overlay District zoning are considered consistent with the industrial land use category.

2. The public health, safety, and general welfare are served by the adoption of the proposed amendment.

The Pre-zone of the MDF site to PQ-P:AC, Public-Quasi Public: Airport Compatibility Overlay District will be beneficial to all citizens of the City of Napa because it will restrict the land use of the City-owned properties to those serving public purposes. Additionally, upon annexation, the City would be relieved of the expense of paying property taxes on land it owns.

VI. STAFF RECOMMENDATION

Forward a recommendation to the City Council to Pre-zone the MDF to PQ-P:AC, Public Quasi Public: Airport Compatibility Overlay District.

VII. ALTERNATIVES TO RECOMMENDATION

- Determine that the proposed Pre-zone is not appropriate and direct staff to prepare draft findings for denial of the application.

VIII. REQUIRED ACTIONS

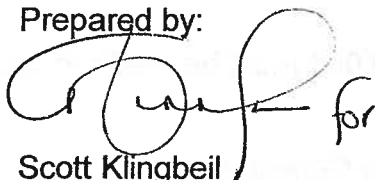
Final action by the Planning Commission:

1. Close the public hearing.
2. Forward a recommendation to the City Council to adopt the proposed Negative Declaration for the project.
3. Forward a recommendation to the City Council to Pre-zone the MDF site at 820 Levitin Way to PQ-P:AC, Public-Quasi Public: Airport Compatibility Overlay District.

IX. DOCUMENTS ATTACHED

1. Applicant's Written Statement
2. Site Plan and LAFCO Exhibit
3. Negative Declaration and Initial Study
4. Draft Ordinance and Resolution


Prepared by:



Scott Klingbeil
Senior Planner

**City of Napa
Department of Public Works
Real Estate Section**

Interoffice Memorandum

TO: Scott Klingbeil, Senior Planner
FROM: Jeff Freitas, Real Estate Manager 
DATE: January 20, 2012
SUBJECT: Annexation Application: City MDF site

The City is requesting a non-contiguous annexation of the Materials Diversion Facility (MDF) which is located at 820 Levitin Way in Napa County (APNs 057-110-049; 057-110-052; 057-110-065; 057-110-066; 057-110-067; 057-110-068).

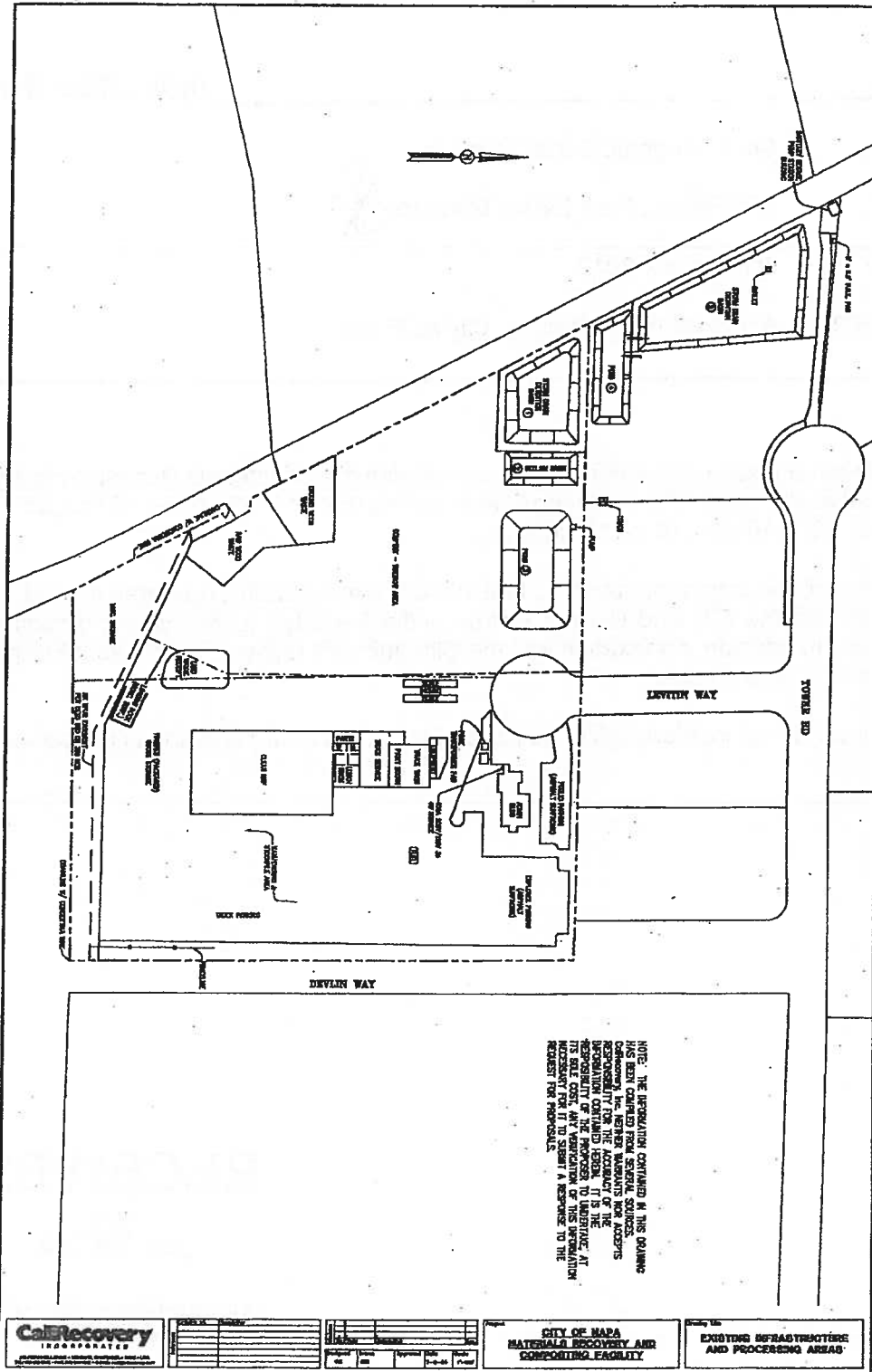
The City is requesting annexation so that this City-owned facility, operated by a third party through contracts with the City and County, will be under the City's jurisdiction and control for planning purposes. In addition, annexation into the City limits will relieve the City from being subject to the payment of property taxes.

The property is not located within the Rural Urban Limit (RUL) line and is not served by Napa City water.

RECEIVED

JAN 20 2012

COMMUNITY DEVELOPMENT
DEPARTMENT



Site Plan of the Napa Materials Diversion Facility Showing Existing Infrastructure and Processing Areas

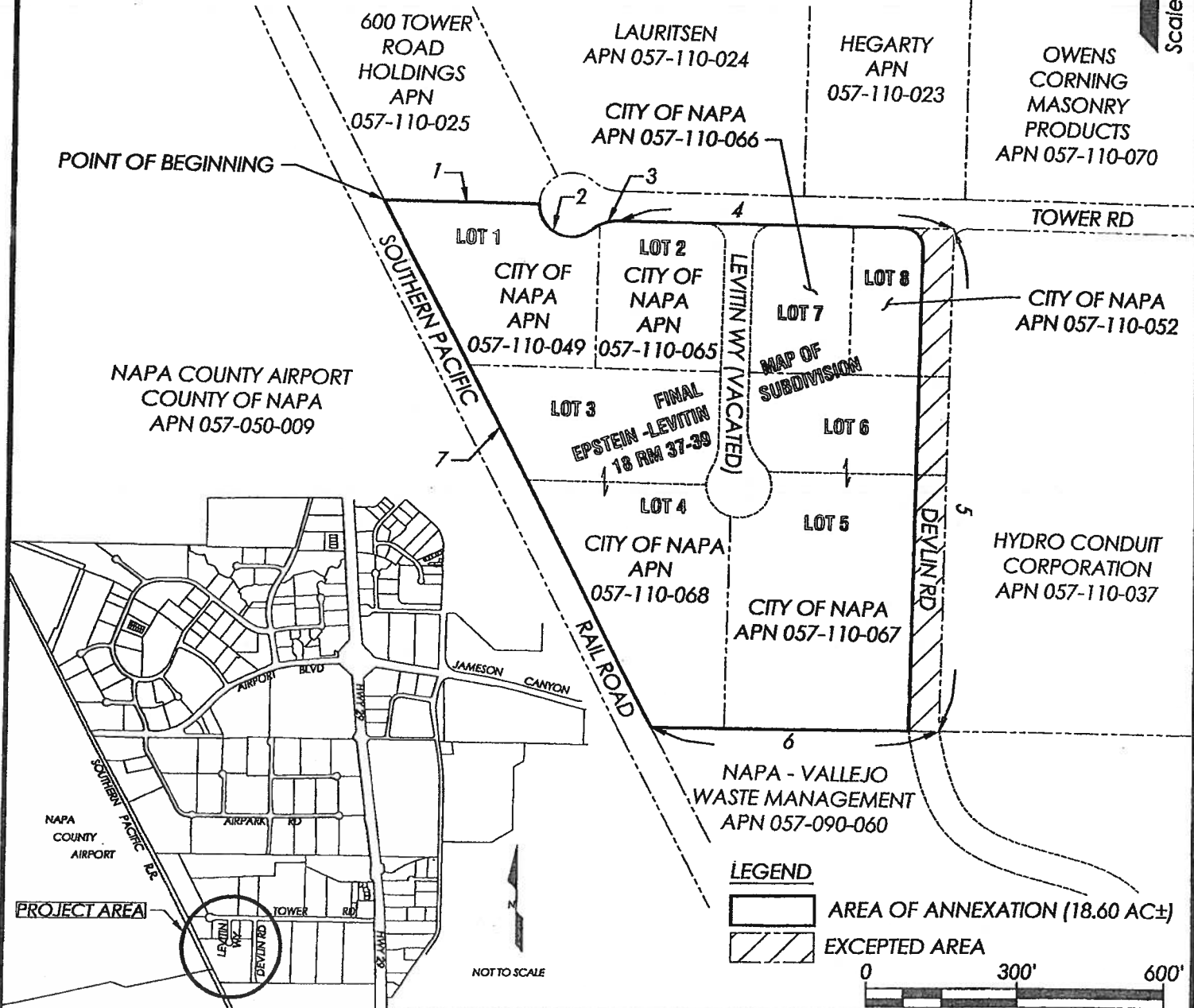
RECEIVED

JAN 20 2012

COMMUNITY DEVELOPMENT DEPARTMENT



Course #	Bearing	D.	Radius	Length	Chord Direction	Chord
1	S88° 52' 35"E	-	-	306.63'	-	-
2	-	129° 16' 05"	65.00'	146.65'	S63° 30' 38"E	117.47'
3	-	39° 16' 05"	90.00'	61.68'	N71° 29' 22"E	60.48'
4	S88° 52' 35"E	-	-	667.17'	-	-
5	S1° 06' 45"W	-	-	1019.97'	-	-
6	N89° 20' 05"W	-	-	571.82'	-	-
7	N27° 04' 15"W	-	-	1196.51'	-	-



CITY OF NAPA PUBLIC WORKS DEPARTMENT

<p>TITLE</p> <p>MATERIALS DIVERSION FACILITY LAFCO EXHIBIT</p> <p>POR. SECTIONS 11 & 12, T.4 NORTH, R.4 WEST, M.D.B.&M</p>	<p>DRAWN BY: T.A.B.</p>	<p>CHECKED BY: M.P.A.</p>
	<p>DATE: 1/4/2012</p>	<p>APPROVED BY: M.P.A.</p>
	<p>SCALE: 1" = 300'</p>	<p>DRAWING NO.</p>
	<p>FIELD NOTES:</p>	<p>1 OF 1</p>

NEGATIVE DECLARATION

PROJECT NAME:	Materials Diversion Facility (MDF) Annexation & Pre-Zoning	FILE NUMBER: 12-0005
SITE ADDRESS:	820 Levitin Way	APNs: 057-110-049, 057-110-052, & 057-110-065, 066, 067 & 068
GENERAL PLAN:	I, Industrial	
ZONING:	Existing County: GINA, Industrial: Airport Overlay District Proposed City: PQ-P:AC, Public Quasi-Public: Airport Overlay District	
APPLICANT:	City Napa Public Works Department Jeff Freitas, Real Estate Manager PO Box 660 Napa, CA 94559-0660	PHONE: (707) 257-9312

PROJECT DESCRIPTION: A pre-zoning and annexation application of the six properties that comprise the existing Materials Diversion Facility (MDF) located at 820 Levitin Way. The pre-zoning and annexation includes a total of six parcels with a combined area of approximately 18.60 acres. California cities are required to pay property taxes on land they own outside their city boundaries and as such, the City of Napa is obligated to pay property taxes on the subject territory until such time as it is included within the City. Upon annexation, the City would be relieved of the expense of paying property taxes on the property. The City of Napa is proposing to pre-zone the City-owned property to PQ-P:AC, Public Quasi Public :Airport Compatibility Overlay District, consistent with LAFCO policies requiring all properties to be pre-zoned prior to annexation. No physical development or expansion of existing operations is proposed with the annexation request.

ENVIRONMENTAL SETTING – The 18.60 acre site is located on the southwest corner of the Tower Road and Devlin Road intersection. The facility primarily receives clean, source-separated recyclable materials. However, the Facility also receives and processes some loads of mixed construction and demolition debris for the recovery of recyclable materials. The facility also includes a composting area for yard and food waste, wood processing area, a truck washing area and a maintenance shop. The MDF is located within an industrially development area of South Napa County with neighboring uses that include: the Napa County Airport across the Southern Pacific Railroad tracks to the west; a vacant industrial property to the south; a concrete pipe manufacturer to the east across Devlin Road; and two trucking companies across Tower Road to the north. The facility has been in operation at this location since 1994 and purchased by the City in 2004.

DECLARATION

Based on the Initial Study dated May 16, 2012 the Community Development Department staff has determined:

1. This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effect upon human beings, either directly or indirectly.

ATTACHMENT 3

The Initial Study and other environmental documents are available for public review at the Community Development Department. The public is hereby invited to submit written comments regarding the environmental findings and Negative Declaration determination. Such comments may be submitted prior to the Planning Commission meeting, or during the Commission's hearing.

POSTING PERIOD: May 17, 2011 through June 16, 2011

Negative Declaration Prepared By: Community Development Department, City Of Napa

Contact Person: Scott Klingbeil 5/23/12
Date
Scott Klingbeil
For, Community Development Director
Telephone: (707) 257-9530

City Of Napa – Community Development Department
1600 First Street – P.O. Box 660
Napa, CA 94559
(707) 257-9530

INITIAL STUDY OF ENVIRONMENTAL SIGNIFICANCE

PROJECT NAME:	Materials Diversion Facility (MDF) Annexation & Pre-Zoning	FILE NUMBER: 12-0005
SITE ADDRESS:	820 Levitin Way	APN: 057-110-049, 057-110-052, & 057-110-065, 066, 067 & 068
GENERAL PLAN:	County Designation: I, Industrial	
ZONING:	Existing County: IP:AC & GI:AC Proposed City: PQ-P:AC, Public Quasi-Public: Airport Overlay District	
APPLICANT:	City Napa Public Works Department Jeff Freitas, Real Estate Manager PO Box 660 Napa, CA 94559-0660	PHONE: (707) 257-9312

PROJECT DESCRIPTION: A pre-zoning and annexation application of the six properties that comprise the existing Materials Diversion Facility (MDF) located at 820 Levitin Way. The pre-zoning and annexation includes a total of six parcels with a combined area of approximately 18.60 acres. California cities are required to pay property taxes on land they own outside their city boundaries and as such, the City of Napa is obligated to pay property taxes on the subject territory until such time as it is included within the City. Upon annexation, the City would be relieved of the expense of paying property taxes on the property. The City of Napa is proposing to pre-zone the City-owned property to PQ-P:AC, Public Quasi Public :Airport Compatibility Overlay District, consistent with LAFCO policies requiring all properties to be pre-zoned prior to annexation. No physical development or expansion of existing operations is proposed with the annexation request.

ENVIRONMENTAL SETTING – The 18.60 acre site is located on the southwest corner of the Tower Road and Devlin Road intersection. The facility primarily receives clean, source-separated recyclable materials. However, the Facility also receives and processes some loads of mixed construction and demolition debris for the recovery of recyclable materials. The facility also includes a composting area for yard and food waste, wood processing area, a truck washing area and a maintenance shop. The MDF is located within an industrially development area of South Napa County with neighboring uses that include: the Napa County Airport across the Southern Pacific Railroad tracks to the west; a vacant industrial property to the south; a concrete pipe manufacturer to the east across Devlin Road; and two trucking companies across Tower Road to the north. The facility has been in operation at this location since 1994 and purchased by the City in 2004.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. This initial study prescribes mitigation measures to reduce all potentially significant impacts to a less than significant level.


- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology & Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology & Water Quality |
| <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation & Traffic | <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

CEQA DETERMINATION:

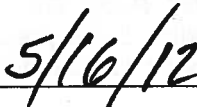
- The proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- The proposed project **MAY** have a significant effect(s) on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

A Notice of Negative Declaration will be prepared and posted for the period of May 18, 2012 – June 7, 2012

Prepared by:



Signature
Scott Klingbeil



Date
For: Cassandra Walker, Community Development Director
City of Napa Community Development Department

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
Mitigation Measures: None.				
Conclusion: No impact to greenhouse gas emissions.				
VIII. HAZARDS & HAZARDOUS MATERIALS. <i>Would the project</i>				
a. Create a significant hazard to the public or the environment through the routing transport, use or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h. Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?				X
Discussion: The proposed pre-zoning and annexation will not result in changes in the environment or the existing operations as it relates to hazards and hazardous materials. The site is currently developed with industrial type buildings and parking lots and no development, construction or change in operations is proposed with the annexation or pre-zoning that would impact hazards or hazardous materials.				
Mitigation Measures: None.				
Conclusion: No impact to hazards or hazardous materials				
IX. HYDROLOGY & WATER QUALITY. <i>Would the project</i>				
a. Violate any water quality standards or waste discharge requirements?				X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X

ATTACHMENT 3

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f. Otherwise substantially degrade water quality?				X
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X

Discussion: The proposed pre-zoning and annexation will not result in changes in the environment as it relates to hydrology and water quality. The site is currently developed with industrial type buildings and parking lots, and no development or construction is proposed with this request that would impact hydrology or water quality.

Mitigation Measures: None.

Conclusion: No impact to hydrology or water quality.

X. LAND USE & PLANNING. *Would the project:*

a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or resolution of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion: The County of Napa General Plan designation for the site is I, Industrial which is intended provide an environment exclusively for and conducive to the development and protection of a variety of industrial uses such as warehouses, manufacturing, wineries and food processing facilities that are industrial in character, and research and development. Administrative facilities, research institutions, limited office and commercial uses and related facilities which are ancillary to the primary industrial uses may also be accommodated. General Uses include industry, limited commercial and related facilities which are ancillary to the primary industrial uses, agriculture, wineries, but no residential uses.

The City is proposing to pre-zone the properties with the PQ-P:AC, Public, Quasi-Public :Airport Compatibility Overlay designation. The public, quasi-public district provides for publicly owned properties dedicated to community serving purposes, including government offices, public safety facilities and related community service facilities. The city's authority to regulate land use activities of other government entities is limited by state and federal law, thus applicability of local PQ-P zoning may only be established on a case-by-case basis. As the existing MDF is dedicated to a community serving purpose, the PQ-P, Zoning Designation is the appropriate pre-zoning designation.

The specific purpose of the :AC Airport Compatibility Overlay regulations are to protect the public health, safety and welfare within the land use compatibility zones of the Napa County Airport identified by the Napa County *Airport Land Use Compatibility Plan (ALUCP)*. The :AC Overlay District may overlay or be combined with any zoning district consistent with the purpose and provisions of this district. Regulations established by the :AC Overlay District shall be in addition to the regulations of the principal zoning district with which they are combined, and in the event of a conflict between the two, the provisions of the :AC District shall apply.

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
<p>The pre-zoning and annexation of the property is an administrative action and policy determination and as such will not result in changes in the environment. The proposed annexation will not physically divide the existing industrial neighborhood as the existing uses will not change. No plan, policy, or resolution is conflicted by this annexation. Nor will the pre-zoning and annexation conflict with any applicable habitat conservation plan of community conservation plan.</p> <p>Mitigation Measures: None. Conclusion: No impact to land use and planning</p>				
<p>XI. MINERAL RESOURCES. <i>Would the project:</i></p>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X
<p>Discussion: The proposed pre-zoning and annexation will not result in changes in the environment as it relates to mineral resources. The site is currently developed with industrial type buildings and parking lots and no development or construction is proposed with this project that would impact mineral resources.</p> <p>Mitigation Measures: None. Conclusion: No impact to mineral resources</p>				
<p>XII. NOISE. <i>Would the project result in:</i></p>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies??				X
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project				X
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e. For a project located within an airport land use plan, would the project expose people residing or working in the project area to excessive noise levels?				X
<p>Discussion: The proposed pre-zoning and annexation will not result in changes in the environment as it relates to noise impacts. The site is currently developed with industrial type buildings and parking lots and no development or construction is proposed with this project that would change or impact existing noise levels.</p> <p>Mitigation Measures: None. Conclusion: No impact to noise related concerns.</p>				
<p>XIII. POPULATION AND HOUSING. <i>Would the project:</i></p>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				X
b. Displacing substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

Environmental Issue Area	Potentially Significant Impact, Unmitigated	Potentially Significant Impact, Mitigated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				No
b. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in conjunction with the effects of past projects, the effects of other current projects and the effects of probable future projects.)				No
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				No
<p>Discussion: The proposed pre-zoning and annexation does not involve any construction or changes in existing operations of the Material Diversion Facility. The City is requesting annexation of this City-owned facility to be under the City's jurisdiction for planning purposes and to relieve the City from being subject to the payment of property taxes which will not result in impacts that would degrade the quality of the environment, have cumulative related impacts or have substantial adverse environmental effects on human beings beyond those impacts already associated with the existing operations.</p>				

SOURCES OF INFORMATION USED IN PREPARATION OF THIS INITIAL STUDY:

Project Specific Studies and Contacts:

- Written Project Statement (attached)
- Location Map and Aerial Photos (attached)

On file at the Planning Division:

- City of Napa; *General Plan Policy Document*, Adopted December, 1998.
- City of Napa; *General Plan Background Report*, Adopted December, 1998.
- City of Napa; *General Plan Final Environmental Impact Report*, Adopted December, 1998.
- City of Napa; *Zoning Ordinance*, 1996.
- City of Napa; *Resolution 89-362* Establishing a Street Improvement Fee for all new Development within the City and subsequent Resolutions Amending this Resolution: Resolution 93-198.
- City of Napa, *Water System Optimization and Master Plan*, 1997; West Yost & Associates
- City of Napa; *Water System Optimization and Master Plan*; Final EIR; 1997
- City of Napa; *Big Ranch Specific Plan and Specific Plan FEIR*, October, 1996; Nichols Berman
- City of Napa; *Linda Vista Specific Plan and Specific Plan FEIR*; October, 1987
- County of Napa; *Napa County Airport Land Use Compatibility Plan*, April, 1991
- Bay Area Air Quality Management District, *CEQA Guidelines*, 1996
- Bay Area Air Quality Management District, *Bay Area '97 Clean Air Plan*, December, 1997
- U.S. Army Corps of Engineers, *Napa River/Napa Creek Flood Protection Project General Design Manual and Supplemental EIR/EIR*, December, 1997.
- State of California, Resources Agency, *Farmland Mapping and Monitoring Program*

RESOLUTION R2012 __

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR THE PRE-ZONE AND ANNEXATION OF THE MATERIAL DIVERSION FACILITY AT 820 LEVITIN WAY (#12-0005)

WHEREAS, the City of Napa owns 18.60 acres consisting of six parcels at 820 Levitin Way which contains the City's Materials Diversion Facility ("MDF"); and

WHEREAS, the City of Napa Public Works Department submitted an application to Pre-zone the MDF property to PQ-P:AC, Public Quasi Public: Airport Compatibility Overlay District in conjunction with a proposed non-contiguous annexation to the City of Napa city limits; and

WHEREAS, the MDF property is located outside the City of Napa city limits as well as outside the City's Rural Urban Limit and Sphere of Influence; and

WHEREAS, a Pre-zone of the property is necessary prior to submitting an annexation application to the Local Agency Formation Commission; and

WHEREAS, the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. ("CEQA"), requires that the City consider the potential environmental impacts of the proposed project prior to approving any entitlements for the project such as, in this case, a proposed Pre-zone; and

WHEREAS, the City of Napa prepared a Negative Declaration regarding the proposed project, pursuant to CEQA and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Napa CEQA Guidelines; and

WHEREAS, the City of Napa posted a notice of Completion of the Negative Declaration for the project on May 18, 2012 providing review and comment between May 18, 2012 and June 7, 2012 by the public and public agencies having jurisdiction by law with respect to the project; and,

WHEREAS, on June 7, 2012 the Planning Commission considered at a noticed public hearing the Negative Declaration for the project, including all written and oral testimony submitted on the Pre-zone, at which time the Planning Commission heard a presentation by staff and received public testimony, and thereafter closed the public hearing and subsequently recommended that the City Council adopt the Negative Declaration and Pre-zone for the MDF property; and

WHEREAS, on _____, 2012 the City Council of the City of Napa held a public hearing on the subject Negative Declaration and Pre-Zone and received the

recommendation of the Planning Commission, a presentation by staff and public testimony, and thereafter closed the public hearing and considered the adequacy of the Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby finds that there is no substantial evidence, in light of the whole record before the City Council, that the "Project", as analyzed in the Initial Study prepared for the Materials Diversion Facility Pre-zone and Annexation #12-0005 dated May 16, 2012, will not have a significant effect on the environment and the City Council adopts a Negative Declaration for this project.

3. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the ____ day of _____, 2012, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

Approved as to form:

Michael W. Barrett
City Attorney

ORDINANCE O20XX __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING THE ZONING MAP, §17.04.050 OF THE NAPA MUNICIPAL CODE PERTAINING TO THE PRE-ZONING OF CERTAIN LANDS ON 820 LEVITIN WAY TO PQ-P:AC, PUBLIC QUASI PUBLIC: AIRPORT COMPATIBILITY OVERLAY

WHEREAS, the City of Napa owns 18.60 acres at 820 Levitin Way that is currently used for the Materials Diversion Facility (hereinafter referred to as "MDF" and shown on Exhibit A-1); and

WHEREAS, the City of Napa Public Works Department submitted an application to pre-rezone the 18.60 property at 820 Levitin Way with the PQ-P:AC, Public Quasi Public: Airport Compatibility Overlay District in conjunction with a proposed non-contiguous annexation; and

WHEREAS, the MDF is located outside the City of Napa city limits as well as outside the City's Rural Urban Limit and Sphere of Influence; and

WHEREAS, pre-zoning the six parcels is necessary prior to submitting an annexation application to the Local Agency Formation Commission; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City staff, and any information provided during public meetings.

WHEREAS, the City Council hereby makes the following Zoning Amendment findings from Section 17.66.080 of the Municipal Code which supports this approval:

- 1. The proposed amendment is consistent in principle with the General Plan.*

The Pre-zone of the MDF site to PQ-P:AC, Public-Quasi Public: Airport Compatibility Overlay District will be consistent with the property's existing operations and the City's ownership of the properties. The existing public serving use and the PQ-P:AC, Public-Quasi Public: Airport Compatibility Overlay District zoning are considered consistent with the industrial land use category.

- 2. The public health, safety, and general welfare are served by the adoption of the proposed amendment.*

The Pre-zone of the MDF site to PQ-P:AC, Public-Quasi Public: Airport Compatibility Overlay District will be beneficial to all citizens of the City of Napa because it will restrict the land use of the City-owned properties to those serving public purposes. Additionally, upon annexation, the City would be relieved of the expense of paying property taxes on

land it owns.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: Amendment. The boundaries of the districts of the Zoning Map established under Section 17.04.040(A) of the Napa Municipal Code are hereby amended pursuant to Chapter 17.66 of such Code to designate the property at 820 Levitin Way with the PQ-P:AC, Public Quasi Public: Airport Compatibility Overlay District as shown in Exhibit "A1" attached hereto and made a part hereof. Exhibit "A1" reflects the PQ-P:AC Zoning District as they will be after the effective date of this Ordinance.

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Dorothy Roberts, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the regular meeting of the City Council on the ____ day of ____, 2012, and had its second reading and was adopted and passed during the regular meeting of the City Council on the ____ day of ____, 20__ , by the following vote:

AYES:

NOES:

ABSENT:

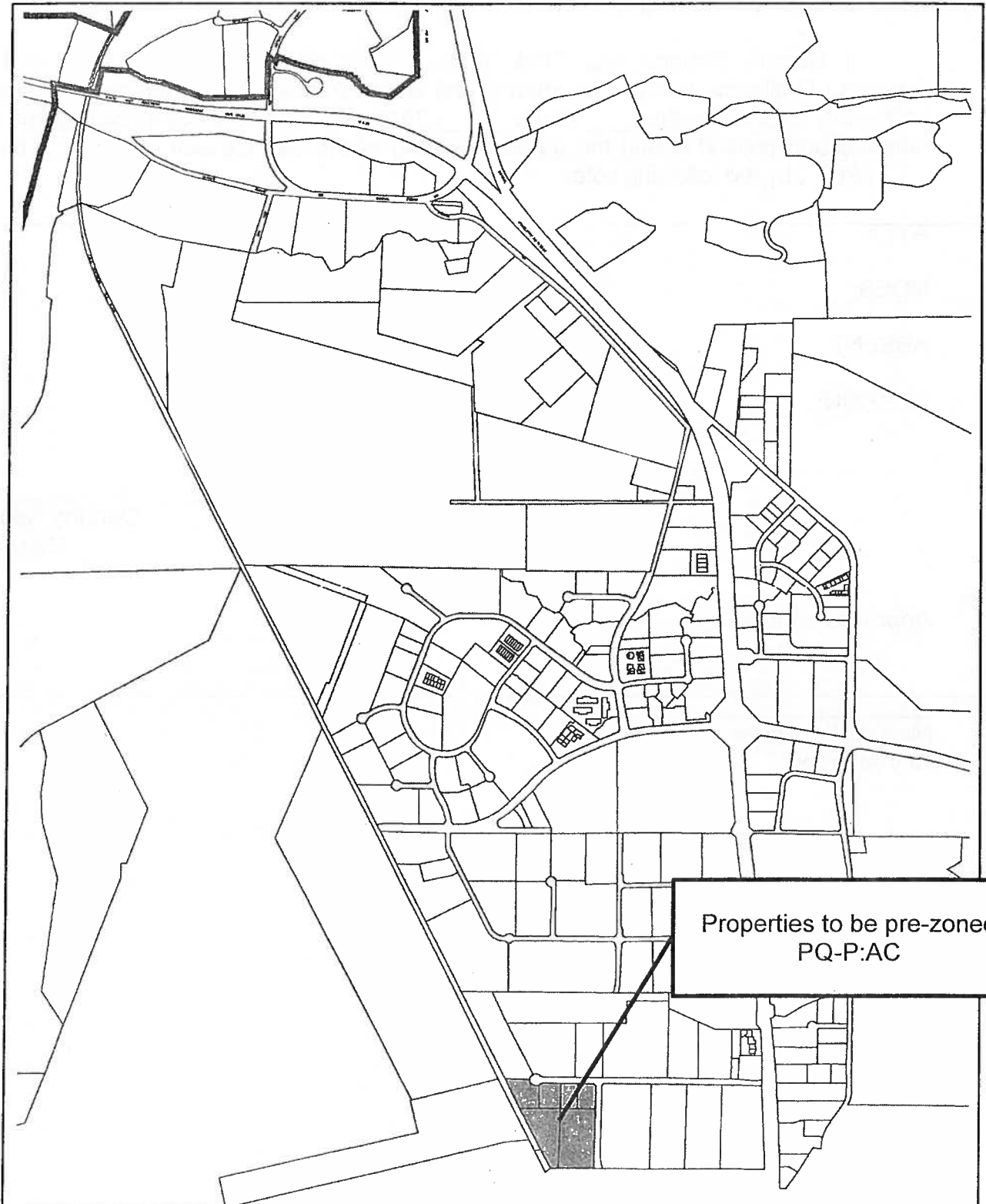
ABSTAIN:

ATTEST: _____
Dorothy Roberts
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney

EXHIBIT "A1"



Properties to be pre-zoned
PQ-P:AC

Zoning Map Proposed

File 12-0005 – 820 Levitin Way
Materials Diversion Facility Pre-Zoning

PLANNING COMMISSION MEETING MINUTES EXCERPTS



June 7, 2012

6. CONSENT HEARINGS:

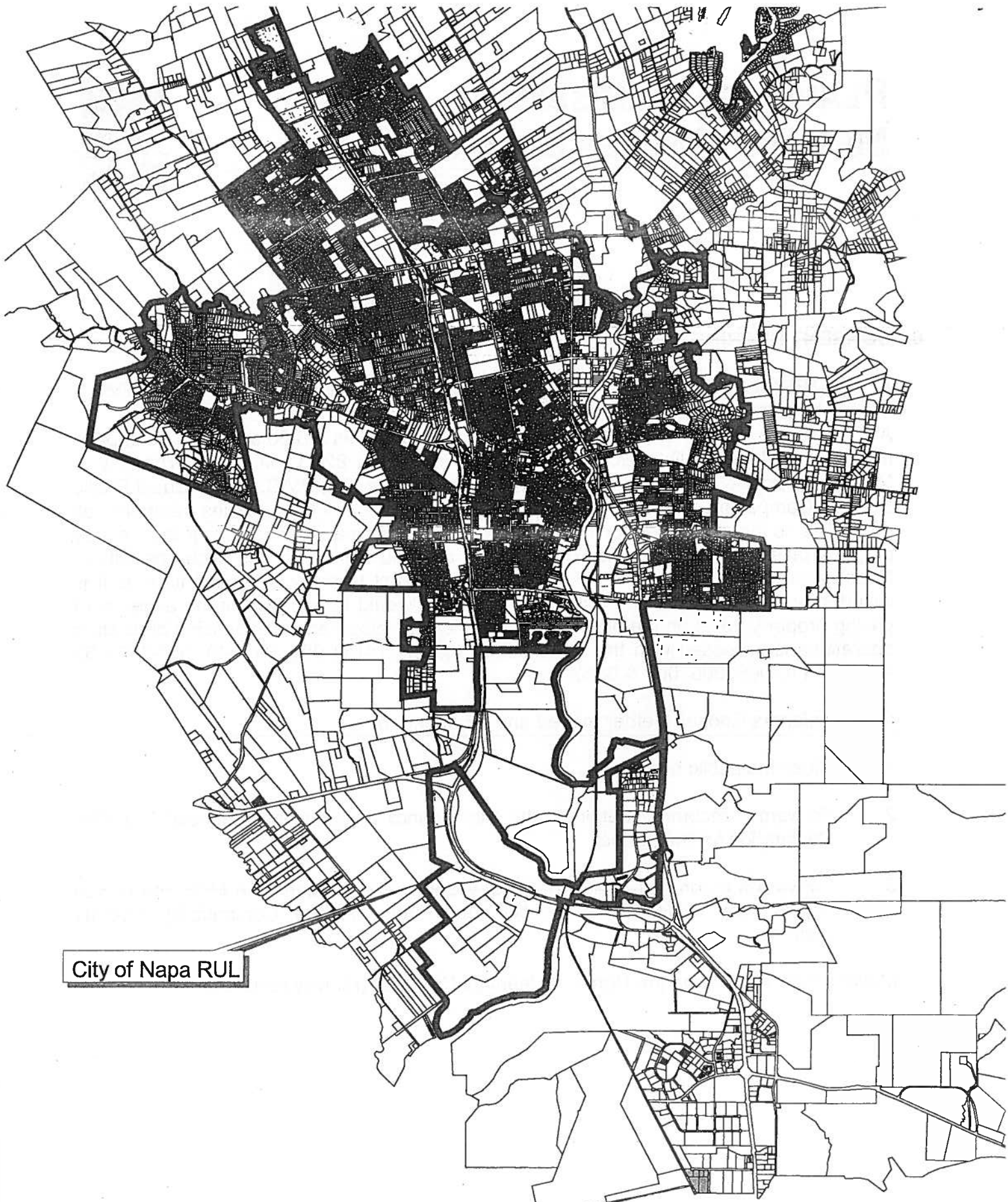
A. MATERIALS DIVERSION FACILITY PRE-ZONING & ANNEXATION PL12-0005-PRZ, AN (City of Napa-Jeff Freitas)

A pre-zoning and annexation application of the six properties (18.60 acres) that comprise the existing Materials Diversion Facility (MDF) located at 820 Levitin Way. The City of Napa is proposing to pre-zone the City-owned property to PQ-P:AC, Public Quasi Public :Airport Compatibility Overlay District, consistent with LAFCO policies requiring all properties to be pre-zoned prior to annexation. California cities are required to pay property taxes on land they own outside their city boundaries and as such, the City of Napa is obligated to pay property taxes on the subject territory until such time as it is included within the City. Upon annexation, the City would be relieved of the expense of paying property taxes on the property. No physical development or expansion of existing operations is proposed with the annexation request. (APN 057-110-049, 057-110-052 and 057-110-065, 066, 067 & 068)

Commissioners Roosa/Huether moved and seconded to:

1. Close the public hearing.
2. Forward a recommendation to the City Council to adopt the proposed Negative Declaration for the project.
3. Forward a recommendation to the City Council to Pre-zone the MDF site at 820 Levitin Way to PQ-P:AC, Public-Quasi Public: Airport Compatibility Overlay District.

Motions carried 4-0-1 on the Consent Hearings Calendar (Murray recused).



City of Napa RUL

Project Site

