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Recommended Findings

**PLANNING COMMISSION HEARING – JULY 17, 2019
RECOMMENDED FINDINGS**

**CARNEROS RESORT AND SPA
USE PERMIT MODIFICATION, ROAD AND STREET STANDARDS EXCEPTION REQUEST
& DEVELOPMENT AGREEMENT (P15-00190-MOD)
4048 SONOMA HIGHWAY, NAPA, CALIFORNIA
(APN's: 047-110-003; 047-110-027; 047-110-028; 047-110-062, and 047-400-(01-28))**

ENVIRONMENTAL DETERMINATION:

The Planning Commission (Commission) has received and reviewed the proposed Categorical Exemptions pursuant to the provisions of the California Environmental Quality Act (CEQA), Napa County's Local Procedures for Implementing CEQA, and the CEQA Memorandum dated July 17, 2019, and finds that:

1. It has been determined that this project will not have a significant effect on the environment and is exempt from the California Environmental Quality Act pursuant to Section 15301, Class 1, which provides an exemption for "Existing Facilities" including the repair, maintenance, and minor alteration of existing public or private facilities, involving negligible or no expansion of use; Section 15303, Class 3, which provides an exemption for "New Construction or Conversion of Small Structures" including conversion of offices and restaurants, extension of water mains, and the construction of fences and swimming pools; Section 15304, Class 4, which provides an exemption for "Minor Alterations to Land" including new gardening or landscaping; Section 15311, Class 11, which provides an exemption for "Accessory Structures" including on-premise signs and small parking lots; Napa County's Local Procedures for Implementing the CEQA, Appendix B, Class 1, Existing Facilities, Section (1) (a) which exempts reconstructing or resurfacing pavement; and the General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines for the Implementation of CEQA at 14 CCR §15061(b)(3)].
2. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
3. The Secretary of the Commission 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 & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

EXCEPTION TO ROAD AND STREET STANDARDS:

The Commission has reviewed the attached described Road and Street Standards (RSS) Exception request in accordance with the County's Road and Street Standards Section 3 and makes the following findings:

4. The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of at least 6"dbh and found by the decision-maker to be of significant

importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like.

Analysis: The project site was developed in its current configuration in the early to late 2000's, prior to the adoption of the current Road and Street Standards (RSS). The current RSS require commercial driveways to have a 20-foot wide road with 22-feet of unobstructed horizontal clearance. The existing internal roadways generally vary in width from 17 to 19 feet of paved surface and are bound by and provide access to numerous lodging units and other structures that comprise the resort. Compliance with the current RSS would result in significant alterations to the site and possible building demolition. Grant of the exception would recognize the existing internal roadways.

5. The exception is necessary to accommodate other limiting factors such as recorded historical sites or legal constraints.

Analysis: The internal roadway system has widths that vary from 17 to 19 feet and was permitted, developed, and inspected before adoption of the current RSS. Modifications to the main entrance and access around the relocated recreational vehicle units will comply with the current RSS. As noted above, the roadways are bound by numerous structures. Grant of the exception would recognize existing conditions and allowed the continued use of the existing internal roadway system.

6. Grant of the Road and Street Standards Exception will provide the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.

Analysis: The County Engineering Division has discussed the request with the Napa County Fire Department and has conducted a site visit. Engineering staff recommends approval of the requested road exception, subject to recommended conditions in their memo of June 4, 2019. The proposal has demonstrated that the project will provide measures that provide safe access for emergency apparatus, safe civilian evacuation, and avoidance of delays in emergency response based on the demands of the project. The proposed improvements in the request, will serve as an alternate method by which adherence to the RSS may be achieved and will provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

PLANNING AND ZONING ANALYSIS:

USE PERMIT:

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

7. The Commission has the power to issue a Use Permit Modification under the Zoning Regulations in effect as applied to property.

Analysis: The project site is within the CL (Commercial Limited), AW (Agricultural Watershed Preserve) and (PD) Planned Development zoning districts. The CL district allows inns, restaurants and retail uses upon grant of a use permit. The PD district allows all commercial uses permitted in the CL district and mobile home parks upon grant of a use permit. The AW

district allows any recreational vehicle parks and their related accessory uses which have been authorized by a use permit issued prior to May 10, 1996. The use permit associated with the recreational vehicle park was approved in 1989. The project, as conditioned, complies with the requirements of the Zoning Code, as applicable.

8. The procedural requirements for a Use Permit Modification set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The use permit modification application has been appropriately filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt Categorical Exemptions were posted and published in the Napa Valley Register on June 28, 2019. Copies were forwarded to property owners within 1,000 feet of the subject parcel, as well as other interested parties. The public comment period ran from June 28, 2019 to July 9, 2019.

9. The grant of the Use Permit Modification, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Granting the Use Permit Modification for the project as proposed and conditioned will not adversely affect the health, safety or welfare of the County. Affected County divisions and departments have reviewed the project and commented regarding the proposed driveway, grading, drainage, parking, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

10. 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 any applicable specific plan.

Analysis: Compliance with the Zoning Ordinance

The project site is within the CL (Commercial Limited), AW (Agricultural Watershed) Preserve) and (PD) Planned Development zoning districts. As noted above, the CL district allows inns, restaurants and retail uses upon grant of a use permit. The PD district allows all commercial uses permitted in the CL district and mobile home parks upon grant of a use permit. The AW district allows any recreational vehicle parks and their related accessory uses which have been authorized by a use permit issued prior to May 10, 1996. The use permit associated with the recreational vehicle park was approved in 1989. The project, as conditioned, complies with the requirements of the Zoning Code, as applicable.

Analysis: Compliance with the General Plan

The project site is designated as AR (Agricultural Resource) on the County's adopted General Plan Land Use Map and is zoned CL (Commercial Limited), AW (Agricultural Watershed) Preserve) and (PD) Planned Development. General Plan Agricultural Preservation and Land Use Policy AG/LU-45 allows for the continuation and limited expansion of existing commercial uses which are located on commercially-zoned property, despite the fact that the underlying General Plan land use designation may be agricultural. All existing and previously approved development is consistent with County zoning regulations and General Plan policies. General Plan Conservation Policy CON-51 recognizes that groundwater best supports agricultural and rural uses, the County discourages urbanization requiring net increases in groundwater use and discourages incorporated jurisdictions from using groundwater except in emergencies or as part of

conjunctive-use programs that do not cause or exacerbate conditions of overdraft or otherwise adversely affect the County's groundwater resources. Policy CON-52 indicates that groundwater is a valuable resource in Napa County. The County encourages responsible use and conservation of groundwater and regulates groundwater resources by way of its groundwater ordinances. Policy CON-53 states that the County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval.

11. 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 §'s 13.15.070 or 13.15.080 of the County Code.

Analysis: The Carneros Inn Mutual Water Company (Mutual Water Company) is the owner and operator of the water system that provides water to the uses within the boundaries of the project site including the 24 residences (mobile homes). The water system currently relies upon groundwater as the primary source of water for potable and fire protection augmented by water trucked in from off-site sources. The system also includes on-site treatment facilities and distribution lines. To address on-going water supply issues, in early 2018, the City of Napa conceptually approved the terms of a Wholesale Water Agreement whereby the City would supply a maximum of 43 acre-feet of potable water per year to the Mutual Water Company. The water would be wheeled through an existing Congress Valley Water District waterline to a privately owned waterline that would be constructed and maintained by the Mutual Water Company and used solely for the Mutual Water Company's shareholders for their own use within the Mutual Water Company existing Service Area. Once the water line is operational, 26.96 acre-feet per year of current groundwater pumping at the Resort would cease. All trucked water to the Resort would cease as well, except in the case of emergency. The project will not have a negative impact on local groundwater.