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Recommended Findings

**PLANNING COMMISSION HEARING – DECEMBER 16, 2020
RECOMMENDED FINDINGS**

**SAFE HARBOR 3.0
USE PERMIT (#P18-00179-UP) & TENTATIVE PARCEL MAP (P20-00217-PM)
WEST SIDE OF DEVLIN ROAD, NAPA, CALIFORNIA
APN'S 057-110-012**

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Mitigated Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Commission has read and considered the Mitigated Negative Declaration prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration is based on independent judgment exercised by the Commission.
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. The 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 Conservation, Development & Planning Department, 1195 Third Street, Room 210, Napa, California.
6. Considering the record as a whole there is no evidence that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.

PLANNING AND ZONING ANALYSIS:

USE PERMIT: The following findings must be made in order to approve the use permit:

The Commission has reviewed the use permit 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 under the Zoning Regulations in effect as applied to property.

Analysis: The project is consistent with the 1986 Napa Valley Business Park Specific Plan, and is consistent with the General Industrial: Airport Compatibility Combining (GI:AC) zoning district regulations which permit wine production facilities upon grant of a use permit. The development area is located in Zone D of the Airport Land Use Compatibility Plan which also allows the proposed uses.

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

Analysis: The use permit application has been filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Mitigated Negative

Declaration were posted on November 13, 2020, and copies were forwarded to property owners within 1,000 feet of the subject property and all other interested parties. The public comment period ran from November 13, 2020 through December 15, 2020.

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

Analysis: Granting the Use Permit for the project as proposed and conditioned will not adversely affect the health, safety or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding grading, drainage, access, parking, building permits, and fire protection. The City of American Canyon and the Napa Sanitation District have agreed to provide public water and sewer service, respectively. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

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 the Airport Industrial Area Specific Plan.

Analysis: Compliance with the Zoning Ordinance

The proposed use is consistent with the General Industrial: Airport Compatibility Combination (GI:AC) zoning district regulations, as conditioned, including setbacks, landscaping, building height, parking requirements, lot coverage and floor area ratio.

Analysis: Compliance with the General Plan and Napa Valley Business Park Specific Plan.

The General Plan designates the airport area for industrial development. The project site is located within the General Plan land use designation Industrial and within the General Industrial designation of the 1986 Napa Valley Business Park Specific Plan (NVBPSP) which allow the proposed use. The development area is also within Compatibility Zone D of the Napa County Airport Land Use Compatibility Plan, which also allows the proposed use.

The goals and objectives of the NVBPSP are to provide a specific plan which recognizes the economic importance to the County and region of the business park and responds to the area's identification in the General Plan as the principal County location for industrial development. The area is intended to provide for a mix of industrial development which is responsive to County desires, anticipated market demands, and landowner intentions. According to the NVBPSP land use policies, the General Industrial designation is intended to accommodate and encourage additional general industrial development in the County by providing land area exclusively for such activity.

The goals established by the General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to plan for industrial land uses in locations that are compatible with adjacent uses and agriculture. Overall, the project was evaluated and found to be consistent with General Plan policies concerning industrial land uses (listed separately below at the conclusion of these findings).

The proposal was reviewed for consistency with the NVBPSP. The proposed use is consistent with the goals, requirements, standards and policies in the General Plan, the NVBPSP, and the Airport Land Use Compatibility Plan.

11. The proposed use will not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an affected groundwater basin in Napa County.

Analysis: The City of American Canyon will provide water service and the Napa Sanitation District will provide sewer service. "Will serve" letters have been issued by both jurisdictions indicating that they have adequate capacity to serve the project.

VARIATION TO DEVELOPMENT STANDARDS:

The Commission has reviewed the use permit variation request to development standards to reduce the building and landscape setback from the north property line and minor encroachments into the 75-foot creek setback in accordance with the requirements of Napa County Code Section 18.44.210, and makes the following findings:

12. The proposed modifications comply with the variation procedure requirements of Napa County Code Section 18.44.210.

Analysis: Since this project site is located within the General Industrial zoning district and Napa Valley Business Park Specific Plan area, Section 18.44.210 of the Napa County Code applies. The proposed use permit has been processed in accordance with the requirements of that section, and the proposed variation meets the following findings specified in the Zoning Ordinance:

- a. The development plan results in a project that is superior in terms of design and environmental impacts when compared to a project processed under the development standards specified by this chapter.

The General Industrial zoning district allows a wide variety of warehousing, industrial and heavy manufacturing uses, conducted both indoors and outdoors. This project consists of a wine production facility with warehousing/distribution areas and ancillary office conducted within the building and outdoor covered work areas. The Land Use Element of the NVBPSP includes standards for the development of industrially zoned land in the airport area including landscaping, setbacks, parking requirements, and numerous other regulations. The NVBPSP also states that, "where appropriate, these guidelines may be modified... where the proposed modification... will provide superior overall aesthetic, environmental, and/or economic benefit (sic) than the minimum development standards."

This application includes a request to reduce to the building and landscape setbacks from 65-feet and 20-feet to 32-feet and 5-feet, respectively from the north (side) property line. The General Industrial zoned areas generally do not require side yard setbacks. However, a 65-foot building setback with 20-feet of landscaping are required here because the project site adjoins business/industrial park uses. The intent of the increased setback is to provide further distance between heavy industrial uses that may be detrimental to persons working in the area such as open storage and visible product manufacturing.

The property to the north is developed with large warehouse/distribution facility. The building is approximately 950-feet long and setback 65-feet from the shared property line. Between the building and the project site is a railroad spur line and a 15-foot wide

paved access road that lies within a 20-foot wide sewer easement that runs parallel to the shared property line. The closest the two buildings could be if both buildings were constructed at the minimum setbacks and outside the sewer line easement would be 85-feet. The distance between the existing building to the north and the Safe Harbor buildings as proposed would be 92-feet. The requested setback reduction would also shift development further away from the creek.

The uses proposed here (wine production facility) would not be detrimental to workers in the area and will be conducted generally within the building. The covered outdoor staging on the west side of Building B is approximately 59-feet from the north property line and would generally be used for shipping and receiving finished goods. The covered outdoor work area on the south side of Building A is approximately 180-feet from the north property line and would be screened by the building. Compliance with the 65-foot setback would generally result locating the buildings closer to Fagan Creek.

The proposal also includes a request to reduce the required 75-foot setback from the top of the bank of Fagan Creek. The creek setback would be reduced to a minimum of approximately 65-feet for portions of eight (8) parking spaces located between the two buildings and to a minimum of approximately 55-feet for a portion of a drive aisle that provides circulation and emergency vehicle access around the westerly (largest) of the two buildings. The parking spaces would be deferred until such time as they are deemed necessary. The total area of these minor encroachments is 3,923 square foot (0.09 acres.) In addition, approximately 12,249 square feet (0.28 acres) of bioretention areas would be located within the 75-foot setback area. No riparian habitat would be removed or affected by the two minor encroachments and bioretention areas. In addition, two drainage outfalls into Fagan Creek are proposed as well which would affect approximately 699 square feet of riparian vegetation. Construction of the outfalls would entail the removal of Himalayan blackberry and the removal of two arroyo willows as well as limbing up one black walnut tree and two red willows. To compensate for the proposed encroachments, the area on the south side of Fagan Creek, outside the 75-foot creek setback, would be preserved in perpetuity. As a point of reference, if the project were subject to the Conservation Regulations, the setback from the creek would be 45-feet based on the sites topography.

Staff is supportive of the requested setback reductions as Fagan Creek reduces the developable area of the site by almost one-half as its meandering swath through the property, with widths of approximately 100-feet including required setbacks, present constraints unique to the site. In addition, as noted above, the applicant will be preserving the area on the south side of the creek and limiting impacts to the riparian corridor.

- b. The development plan results in a cohesive design and treatment of the site, including architecture, landscaping, signage and lighting.

The project has a high quality design indicative of the more stringent Business Park standards with high quality architecture, landscaping, signage and lighting.

- c. The orientation and location of buildings, structures, open space and other features of the site plan protect and enhance existing natural resources or site features including significant existing vegetation and maintain and enhance existing views from and through the site.

The site is visible from Devlin Road a major collector road that runs north /south through the Specific Plan area. Views of the riparian vegetation along Fagan Creek from Devlin Road will be preserved. As mentioned above, the architecture of the buildings is consistent with the more stringent design criteria of the business park as opposed to lessor design criteria for development on industrially zoned land. Outside of Fagan Creek the site has no other natural features is located in a partially developed portion of the business park. The project will be adding new landscaping to the site which will enhance the appearance of the property.

- d. The overall project is consistent with the intent, purpose and applicable standards of the Napa Valley Business Park Specific Plan.

The Specific Plan seeks to promote Business Park and industrial uses and has designated this area for development for over 40 years. Except for the requested variation to development standards, the proposed project is consistent with the NVBPSP.

- e. The site plan minimizes the effect of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.

The project is generally a low traffic generator when compared to other allowed industrial uses and other high employee based businesses. The parking proposed for the development is more than adequate based on the parking requirement of the NVBPSP as well as the expect number of employees. The proposed on site circulation drive provides access to all points of both buildings. The recently constructed bridge over Fagan Creek limits the locations of access to and from Devlin Road on both sides of the street. Access points/curb cuts have been provided to the property as part of the Devlin Road extension/Fagan Creek bridge improvements. The alignment of the driveways on both sides of Devlin Road will reduce potential turn-movement conflicts.

- f. The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate and other incentive provisions considered which encourage non-automotive travel.

The project complies with all standards for alternative transportation. Bike lanes are provided on Devlin Road and provisions for on-site bicycle parking are required as a standard condition of approval. New public sidewalks will connect to existing sidewalks along the street frontage.

- g. The site shall provide open space and landscaping which complement buildings and structures. Said open space shall be provided in a manner so as to be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.

The project has landscaping that generally meets minimum requirements and is indicative of other upscale development in the business park. The reduced landscape setback on the north side of the project site is offset by the more visible enhanced landscaping along Devlin Road and the existing vegetation along Fagan Creek. The riparian area along the creek provides vegetation that provides more aesthetic value than the less visible landscaping along the north (side) property line. New landscape materials have been proposed that complement the design of the building and the surrounding environs.

- h. Design of the site plan and proposed structures shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures shall take into account maintenance of view. Rooftop mechanical equipment shall be incorporated into the roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic control devices, transformer vaults and electrical meters shall be accessible and screened.

The design of the project generally exceeds the design standards of the General Industrial zoning district and represents an example of high quality development for the industrial area.

- i. Signs, lighting fixtures, landscape improvements and similar common area features shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the building or structures to which they are attached. Multiple signs on a given site shall be of a consistent design theme.

Signage, landscaping and lighting for the project will be consistent with the Specific Plan requirements and in keeping with County expectations of such improvements established in the area.

- j. Provisions have been made for the permanent use and maintenance of parking areas and other common area fixtures used jointly by owners of the parcels included within the development plan. (Ord. 1234 §10, 2004)

Although there are no common areas, the property owner will be responsible and will be expected to meet all obligations related to maintenance of features such as landscaping, parking and other improvements.

- 13. The proposed modifications, considered together with the site specific mitigation measures and restoration where necessary, will provide superior overall aesthetic, environmental, and/or economic benefit that the minimum development standards set forth in the Specific Plan.

Analysis: County staff believes the variation request holds merit and supports the request. All potential environmental impacts have been addressed in the initial study/mitigated negative declaration and have been appropriately mitigated. The design of the project meets or exceeds the design requirements of the Napa Valley Business Park Specific Plan resulting in an aesthetically superior and economically viable project than could be required if the setback reductions were not sought.

14. The proposed modifications are consistent with applicable airport safety regulations.

Analysis: The proposed modification pertains to reducing setback requirements that does not directly affect airport safety.

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

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

Analysis: The project site is designated as Industrial on the adopted Land Use Element of the Napa County General Plan, is within the General Industrial District of the Napa Valley Business Park Specific Plan (NVBPSP) and is zoned GI:AC – General Industrial: Airport Compatibility. The project is consistent with the General Plan and AIASP designations, as well as the GI:AC zoning district regulations that apply to this property. The proposed building and site improvements associated with the use permit are consistent with applicable County regulations.

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

Analysis: The minimum lot size for properties of 20 acres or less is 20,000 s.f. The configuration of the two lots was dictated by the extension of Devlin Road through the property. The proposed lot on the west side of Devlin Road would have 9.81 acres and the lot on the east side of the road would have 2.36 acres. Both lots exceed the minimum lot area requirements of the NVBPSP, frontage requirements and minimum lot width of 100-feet. Overall, the proposed parcel map is consistent with the General Plan and the AIASP.

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

Analysis: The property is located within the General Industrial (GI) zoning district and is located within a developing industrial park. The project proposed on the west side of Devlin Road is consistent with development standards contained in the zoning ordinance and the NVBPSP. Future development on the east side of Devlin Road would be subject to subsequent review by the County. Located near two state highways, rail service and a regional airport, the site is physically suitable for the proposed development.

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

Analysis: The existing site is currently designated for industrial development in the General Plan and the NVBPSP. Water service will be provided by the City of American Canyon and sewer service will be provided by the Napa Sanitation District. The project site is suitable for industrial development. The extent of potential industrial development on this site will not

change as a result of subdivision. The proposed lots exceed the minimum lot size established by the General Plan, Specific Plan, and the Zoning District.

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

Analysis: An Initial Study and Mitigated Negative Declaration were prepared for the project, which finds that the project will not have a significant impact on any special status plant or animal species, wetlands, or wildlife corridors on the subject property or within the immediate vicinity with the incorporation of mitigation measures as identified in the Project Revision Statement. The project includes drainage outfalls into Fagan Creek which runs east/west through the property. Before any work within the stream channel is commenced, authorization must be acquired from all affected State agencies. As mitigated, the design of the tentative parcel map will not injure fish or wildlife or their habitat.

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

Analysis: The proposed development and the proposed tentative parcel map are consistent with the requirements set forth in the General Plan, Specific Plan, and Airport Compatibility Plan. Public improvements, including water, sewer, storm drains, streets and sidewalks, will be installed as part of the project. Construction plans for development on the proposed lots will be subject to Napa County regulations in effect at the time of development which will address geologic hazards, traffic impacts, seismic safety, and fire protection.

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

Analysis: There are no other public easements through the project site.

General Plan policies:

Policy AG/LU-37: The County will locate industrial areas adjacent to major transportation facilities. Necessary utilities and services, including child care centers, will be planned to meet the needs of the industrially zoned areas.

Policy AG/LU-38: The Airport Industrial Area Specific Plan (AIASP) was adopted in 1986 to set forth detailed land use and circulation standards, capital improvement requirements, associated financing, and improvement sequencing measures, as well as necessary supporting policies and regulatory procedures for the industrial area near Napa County Airport. The AIASP, as amended, implements the General Plan in the Airport Industrial Area.

Policy AG/LU-39: The County will plan for the reservation of sufficient industrial property to satisfy future demands for orderly growth and economic development of the County. Non-agriculturally oriented industry shall not be located on productive agricultural lands, but should be located in areas more suitable for industrial purposes.

Policy AG/LU-93: The County supports the continued concentration of industrial uses in the South County area as an alternative to the conversion of agricultural land for industrial use elsewhere in the county.

Policy AG/LU-95: New land uses in the South County Industrial Areas shall be compatible with or buffered from adjacent industrial uses and consistent with the Land Use Compatibility Plan for Napa Airport.

Policy AG/LU-96: The Airport Industrial Area is planned for industrial and business/industrial park uses that support agriculture and meet industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan. In 2004, the Airport Industrial Area Specific Plan was amended to recognize two hotels which were subsequently approved for construction. Further commercial uses in the area shall be limited to local-serving uses that support or serve the industrial and business park uses.

Policy AG/LU-95: New land uses in the South County Industrial Areas shall be compatible with or buffered from adjacent industrial uses and consistent with the Land Use Compatibility Plan for Napa Airport.

Policy AG/LU-96: The Airport Industrial Area is planned for industrial and business/industrial park uses that support agriculture and meet industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan. In 2004, the Airport Industrial Area Specific Plan was amended to recognize two hotels which were subsequently approved for construction. Further commercial uses in the area shall be limited to local-serving uses that support or serve the industrial and business park uses.

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

Policy CON-60.5: All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

Policy CON-72: The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD's air quality improvement programs to reduce emissions. In addition to these policies, the County's land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County's land use policies also contribute to efforts to reduce air pollution.

Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD.

Policy E-10: Ancillary uses in the Airport Industrial Area shall be limited to locally-serving (i.e., business park supporting) uses, with regard to both nature and extent, as specified in the Airport Industrial Area Specific Plan.

Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for residents and emergency vehicles.
- 5) Site-specific built-in fire protection.
- 6) Potential impacts to emergency services and fire department response.

Policy SAF-26: Development proposals shall be reviewed with reference to the dam failure inundation maps in order to determine evacuation routes.