

RESOLUTION NO. 2012-__

**A RESOLUTION OF THE NAPA COUNTY CONSERVATION,
DEVELOPMENT AND PLANNING COMMISSION, STATE OF
CALIFORNIA, RECOMMENDING THAT THE NAPA COUNTY BOARD
OF SUPERVISORS ADOPT A GENERAL PLAN AMENDMENT,
FINDINGS OF FACT, A STATEMENT OF OVERRIDING
CONSIDERATIONS, A MITIGATION MONITORING AND REPORTING
PROGRAM, AND WATER SUPPLY ASSESSMENT FOR THE NAPA
PIPE DEVELOPERS REVISED PROPOSAL PROJECT**

WHEREAS, on June 5, 2007, the Board of Supervisors directed the Conservation, Development and Planning Department (now the Planning, Building and Environmental Services Department or “Planning Department”) to formally commence preparation of a General Plan amendment related to the Napa Pipe Project (“Project”) re-designating the Project site from “Study Area” to “Napa Pipe Mixed Use” and making other changes to the General Plan necessary to approve the Project; and

WHEREAS, the Project generally initially proposed a mixed use neighborhood including 3,200 dwelling units on the 154-acre industrial site comprised of two Assessor’s Parcels 046-412-005 (63 acres) and 046-400-030 (91 acres), bisected by a railroad right of way, and located south of the City of Napa at 1025 Kaiser Road; and

WHEREAS, in conjunction with the General Plan amendment, the Project also proposed zoning designation and text amendments, design guidelines, a subdivision map, and an entitlement referred to as a development plan; and

WHEREAS, the Project was the focus of three technical studies prepared at the direction of a City-County Study Group examining issues related to water supply, traffic, and public services; and

WHEREAS, the proposed Project was subsequently refined and reduced to a mixed-use residential neighborhood of 2,580 units on 135 acres, containing attached housing in rowhouse and mid-rise form, neighborhood serving retail, light industrial/R&D/commercial space, a senior housing facility, a hotel, and parks and open space; and

WHEREAS, a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) was issued on January 2, 2009, soliciting public input regarding a DEIR for the Project; and

WHEREAS, a DEIR (hereafter “2009 DEIR”) reflecting input received in response to the NOP was prepared and circulated for public and agency review from October 23, 2009 to February 5, 2010; and

WHEREAS, subsequent to the close of the public comment period on the 2009 DEIR, the Project was modified to include a surface water transfer, to eliminate discharges of treated wastewater to the Napa River, and to include designation of a potential school site; and

WHEREAS, a Supplement to the 2009 DEIR (hereafter “Supplement” or “Supplement to the 2009 DEIR”) was prepared and circulated for public and agency review from February 14, 2011 to May 2, 2011; and

WHEREAS, subsequent to the close of the comment period on the Supplement, the Project was modified to reduce the number of dwelling units from 2,580 to 2,050, consistent with studies prepared by the Napa Sanitation District and with the “Medium Density Alternative” described in the 2009 DEIR and Supplement as “environmentally superior;” and

WHEREAS, in accordance with California Environmental Quality Act (CEQA), the State CEQA Guidelines, and Napa County’s Local Procedures for Implementing CEQA, a Final EIR has been prepared and mailed to commenting state and local agencies, organizations and individuals; and

WHEREAS, prior to May 2, 2012, the Planning Department recommended a less intensive development proposal (“Modified (63) Acre Project” or “63 Acre Project”) than the proposed Project, requesting amendment of the General Plan for only that portion of the Napa Pipe site encompassed by Assessor's Parcel No. 046-412-005 consisting of approximately 63 acres; and

WHEREAS, the 63 Acre Project called for a new mixed-use neighborhood to be constructed on the portion of the Napa Pipe site between the Napa River and the railroad tracks. This new neighborhood would have a combination of residential uses, neighborhood-serving retail, a 150-unit senior/assisted living facility, a 150-room hotel, and 140,000 additional square feet of non-residential uses in addition to public open spaces, new streets and other infrastructure; and

WHEREAS, under the 63 Acre Project, the 91 acre parcel east of the railroad tracks would retain its current General Plan land-use designation (“Study Area”) and zoning (Industrial with Airport Compatibility Combination District overlay (I:AC)), allowing construction of warehousing and other industrial uses permitted in the Industrial zoning district; and

WHEREAS, as proposed by the Planning Department, the 63 Acre Project would be served by the Napa County Fire Department and Napa County Sheriff. Potable water would be supplied by a mutual water company which would purchase water from the City of Napa and use groundwater only as a back-up source in drought years unless the City of Napa declines to sell water to serve the site. Wastewater treatment and recycled water supplies (for irrigation) would be provided by the Napa Sanitation District; and

WHEREAS, the environmental effects of the 63 Acre Project were compared to the proposed Project as analyzed in the Final EIR in a Supplemental Environmental Analysis dated February 3, 2012. That analysis found, in comparison to the proposed Project, that the 63 Acre

Project would not result in any new or increased environmental impacts which were not addressed in the Final EIR; and

WHEREAS, the Final EIR also contains a Water Supply Assessment prepared in accordance with the requirements Water Code §'s 10910 et seq., and that Assessment has determined that water supplies will be sufficient to satisfy the demands of the 63 Acre Project, in addition to existing and planned uses; and

WHEREAS, on February 21, March 19, April 2, and May 2, 2012, the Planning Commission held a duly noticed public hearing to consider recommendations to the Board of Supervisors to adopt the proposed General Plan amendments, CEQA Findings of Fact, Statement of Overriding Considerations, Mitigation and Monitoring Reporting Program, and Water Supply Assessment; and

WHEREAS, after the May 2, 2012 public hearing was closed, the Commission deliberated, and by a 3 to 2 vote, modified the Planning Department's 63 Acre Project proposal by recommending to the Board of Supervisors that the entire Napa Pipe site comprised of APN's 046-412-005 and 046-400-030, with the exception of a 19 acre area within APN 046-400-030 to remain as "Study Area", be re-designated in the General Plan as "Napa Pipe Mixed Use", and recommended certain General Plan amendments be adopted; and

WHEREAS, the Commission, by a 3-2 vote, further modified the Planning Department's proposed 63 Acre Project zoning ordinance by requiring the use of groundwater only in a conjunctive use arrangement with potable surface water provided by a mutual water company or investor owned utility and purchased either from the City of Napa or an alternative source; and

WHEREAS, on May 2, 2012, the Planning Commission also adopted Resolution No. 2012-02, recommending the board of supervisors adopt the General Plan amendments, necessary CEQA findings, and the Water Supply Assessment for the 63 Acre Project; and

WHEREAS, subsequent to the Planning Commission's actions on May 2, 2012, on June 8, 2012, the Project applicant submitted a revised development application, and asked that the revised development application be analyzed and re-submitted to the Planning Commission for its consideration; and

WHEREAS, the revised development application, denominated herein as the "Developers Revised Proposal", would allow the development of a Costco on a portion of the Napa Pipe site east of the railroad tracks, in addition to the 700 - 945 units previously recommended by the Commission. Additional features of the Developers Revised Proposal would include:

1. Rezoning the 63 acre parcel adjoining the Napa River (west of the railroad tracks) to allow:
 - 700 dwelling units (945 maximum with density bonuses allowed under State law)
 - 150-unit continuing care retirement center for seniors unit senior/assisted living facility

- 150-room hotel with supporting uses
 - 40,000 square feet of neighborhood serving commercial uses
 - 15,600 square feet of community facilities
 - 10,000 square feet of non-residential uses
 - publicly accessible parks and open space w/connections to Kennedy Park and regional trails
 - privately-maintained roads and infrastructure
2. For the 91 acre parcel east of the railroad tracks, the proposal includes:
- rezoning +/- 17.5 acres for a 154,000 square foot Costco with a gas station, and for wetlands purposes
 - reservation of a 10 acre school site
 - providing 5-acres for a community garden
 - limiting the amount of additional non-residential development 165,000 square feet
 - publicly accessible parks and open space w/connections to Kennedy Park and regional trails
 - privately-maintained roads and infrastructure
 - constructing a roundabout or signal at Corporate Drive and Anselmo Way, the southern entrance to the site.

Except for the proposed Costco site, the balance of the 91 acre easterly parcel would retain its current Industrial zoning.

WHEREAS, the Developer's Revised Project was analyzed in a Supplemental Environmental Analysis dated September 19, 2012 ("SEA") to determine whether it would result in additional environmental effects not already analyzed in the Final EIR; and

WHEREAS, the SEA concluded there would be no new significant environmental effects or significant new information as defined in CEQA Guidelines 15162 requiring recirculation of the Final EIR; and

WHEREAS, based upon the information contained in the Final EIR and the SEA, the Planning Commission has determined that even though mitigation measures are identified in the Final EIR and will be adopted to reduce the adverse environmental impacts of the Project, some impacts related to Traffic/Transportation, Air Quality, Greenhouse Gas Emissions, and Cultural Resources will remain significant and unavoidable, or in the case of cumulative impacts, cumulatively considerable. All other impacts can be mitigated to a less than significant level; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds, certifies, determines and resolves as follows:

- 1) The above recitals are true and correct and reflect the independent judgment of the Planning Commission.
- 2) Planning Commission Resolution No. 2012-02 is rescinded.

3) Notice of the Planning Commission hearings on the Napa Pipe Project and related approvals, the 2009 DEIR, Supplement, and Final EIR was given as required by law and the actions were conducted pursuant to the Planning and Zoning Law, CEQA, the State CEQA Guidelines and the County's Local Procedures for Implementing CEQA.

4) All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Napa Pipe Project, the 2009 DEIR and the Supplement. These opportunities for comment meet or exceed the requirements of the Planning and Zoning Law, CEQA and the County's Local Procedures for Implementing CEQA.

5) The Planning Commission has been presented with all of the information described in the recitals and has considered this information prior to adopting this Resolution.

6) A Final EIR has been prepared in compliance with CEQA, the State CEQA Guidelines and the County's Local Procedures for Implementing CEQA, and reflects the Planning Commission's independent judgment and analysis.

7) Pursuant to CEQA Guidelines Section 15025 (c), the Planning Commission has reviewed and considered the information in the Final EIR and the SEA prior to making the recommendations contained herein.

8) The Final EIR, together with the SEA, adequately identifies and addresses all of the potentially significant environmental impacts of the Project and all feasible mitigation measures should be incorporated into the Developers Revised Proposal to reduce the anticipated environmental impacts. Therefore, the Commission recommends that the Board of Supervisors adopt the Mitigation Monitoring and Reporting Program prepared for the Developers Revised Proposal as specifically set forth in Exhibit "A" attached hereto, to ensure implementation of feasible mitigation measures identified in the 2009 DEIR, Supplement, and Final EIR. The Planning Commission believes these mitigation measures are fully enforceable and should be binding upon all affected parties.

9) The Planning Commission finds that, where the Developers Revised Proposal will have impacts that are not fully mitigated, there are specific economic, social, or other considerations that make infeasible the alternatives or mitigation measures identified in the Final EIR. Therefore, the Planning Commission recommends that the Board of Supervisors find that the remaining environmental impacts are acceptable due to the overriding considerations as enumerated in the proposed Findings of Fact, set forth in a proposed Resolution adopted concurrently herewith.

10) The Planning Commission finds that the Water Supply Assessment contained in the Final EIR was prepared in accordance with the requirements Water Code §s 10910 et seq., and, based on the whole record, demonstrates that water supplies will be sufficient to satisfy the demands of the Developers Revised Proposal, in addition to existing and planned uses. Therefore, the Planning Commission recommends the Board of Supervisors adopt the Water Supply Assessment and find it complies with applicable law and demonstrates adequate water supplies are available for the Developers Revised Proposal; and

11) The Planning Commission hereby further finds that adoption of the General Plan Amendment associated with the Developers Revised Proposal is in the public interest of Napa County and recommends that the Board of Supervisors adopt the proposed General Plan Amendment, attached hereto as "Appendix 1", after considering the information in the Final EIR and Water Supply Assessment.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Planning Commission of the County of Napa, State of California, at a regular meeting of the Commission held on the 3rd day of October, 2012, by the following vote:

AYES: COMMISSIONERS _____

NOES: COMMISSIONERS _____

ABSENT: COMMISSIONERS _____

MICHAEL BASAYNE, Chair
Napa County Planning Commission

ATTEST:
Clerk of the Planning Commission

By: _____

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <i>Robert Paul</i> (by e-signature)</p> <p>Date: 9/19/12</p>

<p>APPROVED BY THE NAPA COUNTY PLANNING COMMISSION</p> <p>Date: _____</p> <p>Processed by: _____</p> <p>Deputy Clerk of the Commission</p>

APPENDIX 1

[PROPOSED] NAPA PIPE DEVELOPERS REVISED PROPOSAL PROJECT GENERAL PLAN AMENDMENTS

The text and illustrations in the existing Napa County General Plan are amended as shown below via tracked changes.

A. INTRODUCTION AND SUMMARY

1. p. SV-2, revise the first bullet about the 2008 General Plan Update to read as follows:

- Re-designated about 230 acres of Industrial land immediately south of the City of Napa as a “Study Area,” indicating the need for additional study to determine the appropriateness of the area for nonindustrial uses. (Approximately ~~20~~ 135 acres ~~at the Napa Pipe site~~ were subsequently ~~identified as a housing site in the 2009 Housing Element Update~~ re-designated Napa Pipe Mixed Use.)

2. p. SV-5 – Modify the last paragraph under the “Housing Element” heading to read as follows:

The 2004 Housing Element Update provided the information and analysis required by statute, identified 14 sites that were zoned for high density multi-family housing, and memorialized agreements with the cities of Napa and American Canyon whereby the two cities accepted some of the County’s state-mandated housing requirements in exchange for annexations and/or other considerations. The Housing Element was the only element that was not updated in the course of the 2008 General Plan Update, and was instead updated in 2009. The 2009 Housing Element Update eliminated three of the sites identified for high density housing in the prior version, and instead identified 20 acres of the approximately 150-acre Napa Pipe site as a location for high-density housing. Subsequent amendments to the Agricultural Preservation & Land Use Element identified a portion of the Napa Pipe site property as the location for high-density housing consistent with the Napa Pipe Mixed Use designation.

B. AGRICULTURAL PRESERVATION & LAND USE ELEMENT

1. p. AG/LU-2 – Revise the table of contents to reference the Napa Pipe Mixed Use policies.
2. p. AG/LU-18 – Revise Policy AG/LU-25 to read as follows:

The County opposes the creation of new special districts planned to accommodate new residential developments outside existing urbanized areas, except as specified in the Housing Element or as permitted within the Napa Pipe Mixed Use designation.

3. p. AG/LU-21 – Revise the heading preceding Policy AG/LU-36 to read as follows:

COMMERCIAL, INDUSTRIAL, NAPA PIPE MIXED USE, AND STUDY AREA
LAND USE POLICIES

4. p. AG/LU-21 – Add a new Policy AG/LU-41 as follows:

Notwithstanding any other standard to the contrary, the following standards shall apply to lands designated as Napa Pipe Mixed Use on the Land Use Map of this General Plan. Lands designated Napa Pipe Mixed Use are identified as Assessor's Parcel Number's 046-400-030 and 046-412-005, with the exception of a 19 acre area within Assessor's Parcel Number 046-400-030, which is designated Study Area.

- a) Intent: The designation provides for flexibility in the development of land, allowing either industrial, or commercial and residential uses. This designation is intended to be applied only to the Napa Pipe site in the unincorporated area south of the city of Napa where sufficient infrastructure may be available or readily constructed to support this type of development.
- b) General Uses: Uses allowed in the Urban Residential, Commercial, and Industrial land use categories may be permitted. Office, open space and recreational uses may also be permitted as principal uses.
- c) Minimum Parcel Size: Parcel sizes shall be as set forth in an approved development plan for the Napa Pipe Mixed Use designation, provided that the County shall allow 202 owner-occupied or rental units by right pursuant to Housing Element Program H-4e.
- d) Maximum Residential Density: No more than 700 total dwelling units (945 with state required density bonus) shall be allowed within the Napa Pipe Mixed Use designation, with an estimated population of 1,540 (or 2,079) persons.
- e) Maximum Non-Residential Building Density: No more than a total gross floor area of 319,000 gross square feet of enclosed non-residential uses shall be allowed east of the railroad track within the Napa Pipe Mixed Use designation. No more than 50,000 square feet of enclosed non-residential uses shall be allowed west of the railroad track within the Napa Pipe Mixed Use designation. In addition, on the parcel west of the railroad track, one hotel with no more than 150 suites and associated uses such as meeting space and spa, and up to 150 total units within continuing care retirement and assisted living or similar special use facilities for seniors shall be permitted, and shall not be included in the calculation of total gross floor area or total dwelling units.

5. p. AG/LU-28 – Revise Policy AG/LU-52 as follows:

The following standards shall apply to lands designated as Study Area on the Land Use Map of this General Plan.

Intent: This designation allows industrial uses to continue pursuant to existing zoning, but signals the need for further site- or area-specific planning to assess the potential for a mix of uses in this area, ~~including multi-family housing. Zoning to allow multi-family housing shall be permitted in this designation only to the extent provided for in the Housing Element until further planning and amendment of this section of the General Plan is undertaken to revise the list of permitted uses, densities, and intensities provided below.~~ The Study Area designation is intended to be applied only to the portion of the Napa Pipe site that is not designated Napa Pipe Mixed Use and the Boca/Pacific Coast parcels in the unincorporated area south of the City of Napa, where sufficient infrastructure may be available to support mixed-use development.

General Uses: All uses allowed in the Industrial land use category may be permitted. ~~(Multi-family housing is permitted on sites identified in the Housing Element.)~~

Minimum Parcel Size: Parcel sizes shall be as established for the Industrial designation, ~~except on sites identified for multifamily housing in the Housing Element, where no minimum parcel sizes shall apply.~~

Maximum Minimum Building Density: Maximum building intensity shall be as established for the Industrial designation. ~~(Multi-family housing shall be permitted at a density of 20 dwelling units per acre on sites identified in the Housing Element.)~~

6. p. AG/LU-52 – Amend the map of South County Industrial Areas to show the new Napa Pipe Mixed-Use designation at Napa Pipe (except on the portion that remains Study Area).

7. p. AG/LU-53 – Modify the paragraph about the Napa Pipe Property as follows:

Napa Pipe Property – Napa Pipe is ~~located on~~ an approximately 150-acre site that ~~was purchased by new owners who filed and application is proposed~~ for a mixed-use development with a substantial residential component, including affordable housing. ~~Current tenants on the Napa Pipe site are principally involved in storage, distribution, and light assembly, and there are few heavy industrial users.~~ Napa Pipe is subject to airport overflights and is bordered by the Napa River, wetlands, and the Napa Valley Corporate Park (in the City of Napa). The site is accessible via Kaiser Road and Napa Valley Corporate Drive.

8. p. AG/LU-66 – Modify Table AG/LU-B General Plan & Zoning: For Use in Considering Changes in Zoning, to include the Napa Pipe Mixed Use designation with the following corresponding zoning designations: Napa Pipe Mixed Use Residential Waterfront and Napa Pipe Industrial Park Waterfront, and Industrial.

9. p. AG/LU-67 of the General Plan (Figure Ag/LU-3: Land Use Map), show the Napa Pipe Mixed Use designation at Napa Pipe (except on the portion that remains Study Area) and adjust the boundaries of incorporated cities to reflect any annexations that have occurred since the last time the map was revised.