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Agenda Date: 11/2/2011

Agenda Placement: 8A

## Airport Land Use Commission Board Agenda Letter

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**TO:** Airport Land Use Commission  
**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** John McDowell, Deputy Planning Director - 299-1354  
**SUBJECT:** Golf Course Food Service Ordinance (P11-00418-ALUC)

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### **RECOMMENDATION**

#### **COUNTY OF NAPA / PROPOSED GOLF COURSE RESTAURANTS ORDINANCE - AIRPORT LAND USE CONSISTENCY DETERMINATION # P11-00418-ALUC**

**Request:** Airport Land Use Consistency Determination for a proposed County Ordinance to recognize the extent of accessory restaurant and banquet uses that may occur at two existing golf courses located in the vicinity of the Napa County Airport Industrial Area Specific Plan in southern Napa County. Existing golf courses affected by this proposed ordinance are the Eagle Vines Golf Club located at 580 South Kelly Road, Assessor's parcel numbers 057-070-018, 057-070-001, & 057-060-070; and the Chardonnay Golf Club located at 2555 Jameson Canyon Road (State Route 12), Assessor parcel numbers 057-070-019. Presently, food service and banquets are limited to persons engaged in golf or for members and their guests. The proposed ordinance would allow such activities to be open to the general public. These facilities are located within Airport Land Use Compatibility Zones D and E for the Napa County Airport.

**Staff Recommendation:** Find the project consistent with the Napa County Airport Land Use Compatibility Plan.

**Staff Contact:** John McDowell, 299-1354 or [John.McDowell@CountyofNapa.org](mailto:John.McDowell@CountyofNapa.org)

### **EXECUTIVE SUMMARY**

#### **Proposed Action:**

1. That the Airport Land Use Commission find the Golf Course Restaurant Ordinance (P11-00418-ALUC) consistent with the Napa County Airport Land Use Compatibility Plan.

#### **Discussion:**

The County has composed the proposed ordinance to clarify the extent of public use that can occur within buildings at two existing golf courses in Southern Napa County east of the Napa County Airport. The two courses are Chardonnay and Eagle Vines. Presently, both facilities contain restaurants and banquet facilities. Eagle Vines is entitled to construct additional banquet facilities under their original use permit approval. Under present County code, use of these restaurant and banquet facilities are technically limited to persons playing golf, their guests or to members. The County has expressed that it is effectively impossible to regulate this technicality and are proposing this ordinance as a means to clarify the open-to-the-public patronage of restaurant and banquet facilities is allowed as long as the primary use of the property continues to be golf.

Pursuant to State Aeronautics Law (Public Utilities Code 21676), the Airport Land Use Commission (ALUC) must review this proposed Ordinance prior to its consideration by the Board of Supervisors because the proposal involves changes to land use development regulations within the airport influence area for Napa County Airport. As supported in the Background and Discussion Section of this report, ALUC Staff has reviewed the proposal for consistency with Airport Land Use Compatibility Plan (ALUCP) policies, and recommend that the ALUC find the project consistent with the ALUCP.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

The County of Napa is proposing to find the project categorically exempt from CEQA citing that the proposed ordinance qualifies as a minor alteration to an existing land use regulation pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 - Existing Facilities, and Section 15305, Class 5 - Minor Alteration in Land Use Limitations. The ALUC's determination is not a project under CEQA pursuant to Section 15378. The Commission is merely rendering a finding of consistency with the Airport Land Use Compatibility and is neither approving or denying the project.

### **BACKGROUND AND DISCUSSION**

#### **Airport Land Use Consistency Factors:**

**1. Location** - The project involves a new ordinance clarifying that restaurant and banquet facilities at two existing golf courses can be open to the public. Both golf courses are located east of the Napa County Airport within the airport's influence area. The Eagle Vines property is located within Zones C, D and E with the structures located on the C / D boundary. These structures are under the common flight pattern for aircraft approaching and departing Runway 6/24. Most common overflights occur from aircraft making the straight in approach from the east and from eastbound departures when prevailing winds are not present.

Chardonnay has a similar geographic position relative to the airport to that of Eagle Vines, but it is located further east by approximately 2,000 ft. The Chardonnay property is consequently located only within Zones C and E, and structures are located solely within Zone E. Overflight traffic has similar characteristics to that of Eagle Vines consisting mainly of straight in eastern approaches and eastbound departure traffic during slack wind or uncommon east wind conditions.

Both facilities are located in an area of low to moderate risk. Both facilities are also surrounded by open golf course holes providing substantial suitable areas for off-airport landings/incidents. When Eagle Vines was originally approved by the County in 2000, the County required buildings to be located 800 ft. further north than originally proposed in order to keep structures as far as possible from the extended runway centerline, and outside of Zone C.

**2. Land Use** – This proposal involves establishing a regulation to clarify that restaurants and banquet facilities at the two golf courses can be open to the public. Consequently, the ordinance does not result in a change to any land uses from what currently exists. The County's General Plan and Zoning ordinance, and the allowed land uses contained within those documents, have previously been found by the ALUC to be consistent with airport compatibility requirements. This ordinance does not affect the overall consistency of the County's General Plan and Zoning with the ALUCP. Further, in 2000 when the original Eagle Vines use permit was approved, the County conducted a very thorough airport compatibility review of the proposal and required the relocation of proposed structure 800 ft. to the north so as to meet Airport Land Use Compatibility Policies requiring structures to be as far as possible from the extended centerline of runways. The County required the structures to be located outside of Zone C. Chardonnay golf course was approved in 1986 prior to the ALUC's adoption of the Airport Land Use Compatibility Plan. Consequently, the project was considered an "existing condition" when the ALUC adopted its first compatibility plan in 1986. It is note worthy though that Chardonnay was reviewed by the ALUC on at least two separate previous occasions and found compatible with airport operations.

**3. Concentration of People** – Net interior densities and total on-site densities for both developments are well below density limitations prescribed in the Airport Land Use Compatibility Plan. This is due to the vast majority of property within both developments being committed to golf holes and vineyards. The Chardonnay parcel is 352 acres and the main Eagle Vines parcel is 148 acres. Compatibility Zone C allows 50 persons per acre within structures, and 75 persons per acre total on site. Compatibility Zone D allows 100 persons per acre within structures, and 150 persons per acre total on site. Compatibility Zone E does not have a density limit, but like the other zones discourages and/or prohibits outdoor amphitheaters, schools, and noise sensitive uses like hospitals, nursing homes and libraries.

The focus of this airport compatibility review has centered around whether the proposed ordinance results in a change in density from that which is occurring now, and if so, whether any change in density is within acceptable ranges. County Staff have indicated that the primary reason for this ordinance is to simply recognizing and legitimizing how the facilities have traditionally operated. Although it is possible that more persons will use these facilities once the restriction of golf-only patronage is lifted, ALUC Staff do not believe any discernable change to the operation will result. Based on what is contained on the websites for both golf courses, it appears that both facilities would have difficulty adding more banquet business from what is currently occurring. However, if by chance business does increase, peak hour on-site density will not increase as the size of restaurant and banquet space will not increase. Instead, any business intensification will only result in increasing the periods when the facility is fully occupied. Extending the full occupancy periods will remain well within acceptable density ranges, and consequently this poses no airport compatibility concern.

**4. Building Height** – The County's building height remains 35 ft. for occupied structures and 50 ft. from unoccupied space, fully consistent with ALUCP standards. This ordinance will allow the restaurant and banquet activities currently occurring to be open to the public. No changes to building heights will result as part of this project.

**5. Lighting and Glare** – No changes to lighting or lighting requirements will occur at either of these golf courses as a result of this ordinance. Presently, both facilities have modest amounts of outdoor lighting that is properly shielded to ensure airport compatibility. Both County use permit require lighting to be permanently shielded so as not to cast substantial amounts of light skyward. The ordinance does not enable any changes to lighting characteristics.

**6. Communications** – The proposed ordinance will not result in any new source of communication equipment. The ordinance will allow existing, entitled restaurant and banquet facilities to be open to the public..

**7. Building Materials** – This ordinance does not allow additional construction of restaurant and banquet space excepting that Eagle Vines is entitled to construct a previously approved second phase building at some future, undetermined date. Building materials of the second phase will match that of the initial phase and are compatible with airport operations. The ALUC previously reviewed the Eagles Vines use permit and found it consistent with Airport Land Use Compatibility Plan. The proposed ordinance will not alter any of the previously entitled building materials.

**8. Overflight Easement** – The County requires overflight easements for all projects located within airport influence areas. No changes to this long established requirement will occur as part of this ordinance, and County regulations remain consistent with the ALUCP. All of the properties contained within Eagle Vines and Chardonay has previously received overflight easements.

**9. Caltrans Aeronautics** – Caltrans Division of Aeronautics staff has been sent copies of the proposed ordinance. No comments have been received regarding the project.

**10. Processing** – ALUCP Policy 2.1.9 requires referral of a project to the ALUC prior to the local governing body's final action to allow the local jurisdiction to consider the ALUC's finding prior to acting on a project. The purpose of this policy is to allow the local government and ALUC flexibility in the event that the ALUC has a compatibility issue to be addressed. The application was reviewed by the County Planning Commission on October 19, 2011, and the Planning Commission continued the item until November 16, 2011. The Board of Supervisors will commence review upon conclusion of hearings by the Planning Commission which is anticipated to occur in December or January. The County has complied with Policy 2.1.9.

#### **SUPPORTING DOCUMENTS**

- A . County Planning Commission Staff Report
- B . Proposed County Ordinance
- C . Airport Compatibility Zones Map
- D . Golf Course Aerial Photograph

Airport Land Use Commission: Approve

Reviewed By: John McDowell