



Agenda Date: 3/6/2007
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Estimated Report Time: 10 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Gitelman, Hillary - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director, 253-4805
SUBJECT: Huether Zoning Text Amendment # P06-01529-ORD and Use Permit # P06-01458-UP

RECOMMENDATION

The Conservation, Development and Planning Commission and Director of Conservation, Development and Planning recommend the following:

1. Adoption of the Negative Declaration regarding the ordinance and use permit referenced in items 2 and 3;
2. First and final reading and adoption of an ordinance amending Section 18.28.030 of the Napa County Code to allow "art studios and galleries" as a new land use permitted upon grant of a use permit in the CL (Commercial Limited) zoning district; and
3. Approval of Use Permit # P06-01458-UP based on findings 8 -15 subject to the conditions of approval.

EXECUTIVE SUMMARY

The proposal would amend Section 18.28.030 of the Napa County Code to allow "art studios and galleries" as a new land use permitted upon grant of a use permit in the CL (Commercial Limited) zoning district. The addition of "art studios and galleries" in the district would make future applications for such uses subject to Use Permit review and approval and site-specific environmental review. The concurrent use permit application (upon adoption and approval of the zoning ordinance amendment) would allow an art studio and gallery use in an existing, approximately 8,920 square foot building, formerly used as a feed store and later as a winery.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Negative Declaration prepared pursuant to CEQA Guidelines Section 15070(a). According to the Initial Study and proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts.

BACKGROUND AND DISCUSSION

The proposal would amend Section 18.28.030 of the Napa County Code to allow "art studios and galleries" as a new land use permitted upon grant of a use permit in the CL (Commercial Limited) zoning district. The intent of the district classification is to establish areas which will provide the tourist, vacationer and highway traveler with needed uses and services. Only properties designated as "Urban" in the Napa County General Plan with frontage on a state highway, Silverado Trail, or an arterial county road or county collector road may be zoned to this classification. The addition of "art studios and galleries" in the district would make future applications for such uses subject to Use Permit review and approval and site-specific environmental review.

This proposed ordinance amendment and consequent use permit appears to be consistent with the County General Plan. State law requires all land use approvals and ordinances to be consistent with the General Plan. The General Plan allows for tourist-serving uses in areas currently zoned for limited commercial facilities. This proposal will add a new allowable use to the CL (Commercial Limited) zoning district, a zoning district intended for tourist-oriented uses. The use permit appears to be consistent as well because the facility will not generate additional traffic, water or sewer demand greater than what is currently allowed on the subject property by right.

The CL parcels typically range in size from 0.3 acre to 102 acres and there are only 54 such parcels in the County, including those with :UR (Urban Reserve) and :HR (Historic Restaurant) Combining Districts. Most galleries would be located on flat, developed sites with less than 15% slope or would otherwise be subject to Section 18.106, Viewshed Protection Program requirements. Uses in the CL zone are subject to County Code Section 18.28.060, Mitigation of Objectionable Factors, which requires "all activity under use permits shall be conducted so that noise, vibration, dust odor and all other objectionable factors shall be confined or reduced to the extent that not unreasonable annoyance or injury will result to persons residing in the vicinity." With proposed art studio and gallery uses subject to CL District requirements, individual use permit and environmental review and mandatory mitigation of "objectionable factors", the zoning ordinance amendment would have less-than-significant environmental effects.

The concurrent use permit application (upon adoption and approval of the zoning ordinance amendment) would allow an art studio and gallery use in an existing, approximately 8,920 square foot building. The former metal, feed-store/winery building would be used as a combination mixed-media art production facility, demonstration and art gallery space with administrative offices for project-specific, commissioned art pieces. All production equipment and art supplies would be stored within the building including power tools and machinery for sawing, grinding, etching and glass cutting, welding equipment and kilns. Enclosed spaces for sand-blasting, limited paint-spraying and storage are proposed.

Art production would be limited to the applicant and his staff. No public classes, art co-operative arrangements, sub-leasing or use of the space by outside artists are proposed. The majority of the artwork would be on a commissioned basis, however, some fine art sales may occur at the gallery. According to the applicant, although there may be occasional art openings, no organized "open studio" participation or large-scale public events are proposed or contemplated. All activities would take place indoors except for material deliveries and pick-up at the front loading dock.

On February 21, 2007 the Planning Commission voted 4-0-1 (Phillips excused) to recommend the Board of Supervisors 1) adopt the Negative Declaration; 2) approve concurrent Zoning Text Amendment # P06-01529-ORD amending Section 18.28.030 to allow "art studios and galleries" as a use permitted upon grant of a use permit; and 3) approve Use Permit # P06-01458-UP based on findings 8-15 subject to the attached conditions of approval

as amended by revised Public Works Department comments submitted February 21, 2007.

Individual Commissioners made the following observations: art studios and galleries are more appropriate than private schools or day care centers, uses already allowed in the tourist-related CL district; support of the use permit is a clear statement by the Planning Commission that these are desirable land uses; this application is an opportunity to improve a historically problematic site; a specific permit condition voiding earlier winery use permit approval was appropriate; as Chairman of the City of Napa Planning Commission, the applicant has ample incentive to improve and maintain the site; and that the Commission is reluctant to regulate "art" if the applicant wants to place art pieces in front of his building. Since traffic generated by the use meets County warrants for a new westbound, left-turn lane along Monticello Road, further discussion with Public Works Department staff resulted in an amended condition to allow potential road widening or right-turn only, in-and-out access to the site as alternatives pending final Caltrans determination along Highway SR 121.

SUPPORTING DOCUMENTS

- A . Planning Commission Staff Report, February 21, 2007
- B . Initial Study/Negative Declaration, January 11, 2007
- C . Notice of Completion
- D . Application
- E . Agency Comments
- F . Graphics
- G . Zoning Ordinance Amendment - Tracked version
- H . Zoning Ordinance Amendment - Clean Version

CEO Recommendation: Approve

Reviewed By: Andrew Carey