



Agenda Date: 4/4/2006
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NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Susan Ingalls for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Robert Paul, ATTORNEY IV , 253-6113
SUBJECT: Public Hearing - Findings of Fact and Decision on Appeal - Gamble v. Miller-Sorg

RECOMMENDATION

County Counsel requests the Board consider and adopt a resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Farella Braun and Martel on behalf of their client, Tom Gamble, of a decision by the Zoning Administrator (ZA) on November 23, 2005 to approve the application filed by Michael Rice as representative of Miller-Song Group and Nick Petsas for a minor use permit modification (P05-0301-MODMINOR) for the Villa Berryessa subdivision. The modification would permit stick built units or modular units, adjust the approved lot configuration, adjust the overall layout and street alignment, decrease the amount of grading work, and relocate the water intake system to comply with the applicable conditions and mitigation measures. The project is located on a ±141.84 acre parcel, on the north side of Pope Canyon Road approximately 1500 feet west of its intersection with Berryessa-Knoxville Road within a PD (Planned Development) zoning district and an area designated UR (Urban Residential) by the Napa County General Plan (Assessor's Parcel No. 019-080-003), Napa, CA.

ENVIRONMENTAL DETERMINATION: Addendum to a Supplemental Mitigated Negative Declaration to Environmental Impact Report - FEIR-038 prepared (State CEQA guidelines 15164 for minor changes to the project as approved by the Villa Berryessa Use Permit (95070-UP) and Tentative Map (95071-SUB)). (The proposed use permit modification does not constitute a substantial change to the project that would require major revisions to the prior environmental documents due to the involvement of new significant environmental impacts. No substantial changes in circumstances under which the project would be undertaken and no new information of substantial importance necessitates additional review.

EXECUTIVE SUMMARY

On February 28, 2006, the Board of Supervisors heard the appeal of Tom Gamble, of a decision by the Zoning Administrator (ZA) to grant the applicant's request for a minor use permit modification (P05-0301-MODMINOR) for the Villa Berryessa subdivision. After the public hearing was closed, the Board tentatively voted to deny the appeal, and directed County Counsel to prepare findings of fact and a decision on appeal for formal adoption reflecting the tentative decision. The proposed Findings of Fact and Decision on Appeal finalize the tentative decision.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Addendum to a Supplemental Mitigated Negative Declaration to Environmental Impact Report - FEIR-038 prepared (State CEQA guidelines 15164 for minor changes to the project as approved by the Villa Berryessa Use Permit (95070-UP) and Tentative Map (95071-SUB)).

(The proposed use permit modification does not constitute a substantial change to the project that would require major revisions to the prior environmental document due to the involvement of new significant environmental impacts. Also no substantial changes in circumstances under which the project would be undertaken and no new information of substantial importance necessitates additional review. An explanation of the decision not to prepare an additional environmental document is contained in the Addendum pursuant to State CEQA Guidelines Section 15164.)

BACKGROUND AND DISCUSSION

On February 28, 2006, the Board of Supervisors heard the appeal filed by Farella Braun and Martel on behalf of their client, Tom Gamble of a decision by the Zoning Administrator (ZA) to grant the applicant's request for a minor use permit modification (P05-0301-MODMINOR) for the Villa Berryessa subdivision to permit stick built units in addition to modular units, adjust the approved lot configuration, adjust the overall layout and street alignment, decrease the amount of grading work, and relocate the water intake system to comply with the applicable conditions and mitigation measures. After the public hearing was closed, the Board tentatively voted to (a) deny the appeal of Applicant; (b) approve the issuance of minor use permit modification (P05-0301-MODMINOR); and (c) find that the proposed use permit modification does not constitute a substantial change to the project that would require major revisions to the prior environmental documents due to the involvement of new significant environmental impacts.

The proposed Findings of Fact and Decision on Appeal finalize the tentative decision.

SUPPORTING DOCUMENTS

A . Resolution of Findings of Fact and Decision on Appeal

CEO Recommendation: Approve

Reviewed By: Maiko Klieman