



Agenda Date: 8/15/2006  
Agenda Placement: 8C  
Set Time: 10:45 AM PUBLIC HEARING  
Estimated Report Time: 30 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Heather McCollister, Principal Planner , 299-1348  
**SUBJECT:** First Reading and Intention to Adopt an Ordinance Rezoning the Moskowitz Parcel and Intention to Approve a Tentative Map Request

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### **RECOMMENDATION**

Director of Conservation, Development and Planning requests the Board of Supervisors take the following actions regarding the 41.60 acre parcel located at 6015 Steele Canyon Road, Napa, Assessor's Parcel No. 032-150-003 (Moskowitz Parcel):

1. Adopt the Subsequent Mitigated Negative Declaration;
2. Adopt the Mitigation Monitoring and Reporting Program;
3. First reading and intention to adopt an ordinance (File No. P06-0094-RZG) rezoning a 20.20 acre portion of a 41.60 acre parcel from a combination Agricultural Watershed:Affordable Housing (AW:AH) zoning district to a Residential Country:Affordable Housing (RC:AH) combination zoning district, and .40 acres from a Commercial Limited (CL) zoning district to a Residential Country:Affordable Housing (RC:AH) combination zoning district; and
4. Declare its intent to approve tentative parcel map (File No. P06-0096-PM) subdividing the 41.60 acre parcel into two new parcels of 10.10 acres each with a remaining parcel of 21.40 acres based on the findings contained in the staff report presented to the Planning Commission on July 19, 2006. The two 10.10 acre parcels will be zoned RC:AH and the 21.40 acre parcel will remain zoned CL. The requested actions 1 through 4 are all in connection with the 41.60 acre parcel located at 6015 Steele Canyon Road, Napa, Assessor's Parcel No. 032-150-003 (Moskowitz Parcel).

**ENVIRONMENTAL DETERMINATION:** Pursuant to Section 15162 of the State CEQA Guidelines a Subsequent Mitigated Negative Declaration has been prepared and is recommended for adoption. The Subsequent Mitigated Negative Declaration finds the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: biology, cultural resources, hazardous & hazardous materials and geology & soils. This project site is adjacent to a listed hazardous waste site enumerated under Government Code Section 65962.5.

**EXECUTIVE SUMMARY**

The applicant is requesting approval of tentative parcel map which would subdivide the project site into two 10.10 acre parcels and one 21.40 acre parcel, and is also requesting a rezone of the two new 10.10 acre parcels from Agriculture Watershed:Affordable Housing (AW:AH) to Residential Country:Affordable Housing (RC:AH). The new 21.40 acre parcel is currently improved with vineyards, a winery, caves, water tanks and a reservoir for irrigation, and is zoned Commercial Limited (CL). No change is proposed to the CL zoning or to that portion of the project site.

The RC zoning allows a single family dwelling unit, second unit and a guest unit as a use by right. The AH zoning permits densities (with administrative level approval) of four dwelling units per acre, utilizing the density bonuses set forth in Chapter 18.107. Up to ten dwelling units per acre may be allowed upon approval of a use permit and utilizing the density bonuses set forth in Chapter 18.107. No development is proposed at this time. Access to the site is from an existing agricultural road off Steele Canyon Road. Access to the proposed two new parcels would be from State Highway 128. The parcels as proposed are in conformance with the Napa County Zoning code.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Pursuant to Section 15162 of the State CEQA Guidelines a Subsequent Mitigated Negative Declaration has been prepared and is recommended for adoption. The Subsequent Mitigated Negative Declaration finds the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: biology, cultural resources, hazardous & hazardous materials and geology & soils. This project site is adjacent to a listed hazardous waste site enumerated under Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

The project site is located in a small "urban" area in Capell Valley. The term "urban" derives from the Land Use Map contained in the County's General Plan, which also designates this area as "Rural Residential." The area lies at the intersection of Highway 128 and Steele Canyon Road, and includes a corner store and restaurant, a closed gas station and a mobile home park. There is also an RV storage area further south on Highway 128, across from the project site. The project site is approximately 41.60 acres and runs between Highway 128 and Steele Canyon Road and is clearly visible from both. The subject property is partially improved with a winery building, caves, a wastewater pond, water tanks and approximately two acres of vineyards. The unimproved portion of the site is currently used for grazing.

The proposed project would subdivide the site and create two new parcels on the unimproved portion (Parcels B and C). Each new parcel would be approximately 10.10 acres. The improved portion of the site would be on a separate parcel of approximately 21.40 acres (Parcel A). The project would also rezone a portion of the site (Parcels B and C) from Agriculture Watershed:Affordable Housing (AW:AH) to Residential Country:Affordable Housing (RC:AH) and approximately 0.40 acres of Parcel A would be rezoned from Commercial Limited (CL) to Residential Country:Affordable Housing (RC:AH). The balance of the site (Parcel A) would retain its current zoning of Commercial Limited (CL). The proposed subdivision and rezoning is consistent with the County's General Plan

and would have no effect on the site's identification as a potential site for high density (affordable) housing.

No development of any kind is proposed at this time, however the potential direct and indirect impacts associated with this project have been considered in a Subsequent Mitigated Negative Declaration, which assesses the allowed uses under the proposed zoning. (See attached.) Potential development on this site was also evaluated in the Environmental Assessment prepared in connection with the 2004 Housing Element update and concurrent zoning amendments. The AH (affordable housing) overlay zoning permits development of high density housing in compliance with the guidelines in the General Plan Housing Element and the AH zoning classification. The RC zoning designation permits one primary residence, a second unit and one guest cottage on each parcel.

Details of the proposal are contained in the accompanying materials, together with comments and recommendations from various County departments. On July 19, 2006, the Conservation Development and Planning Commission recommended the Board approve the rezone and the tentative map request.

Staff recommends the Board hold the first reading and declare its intent to adopt the ordinance approving the rezone and also declare its intent to approve the tentative map request. Second reading and adoption of the ordinance along with final approval of the tentative map could occur at the Board's next regularly scheduled meeting. If approved, the tentative map would become effective upon the effective date of the ordinance approving the rezone.

#### **SUPPORTING DOCUMENTS**

- A . Ordinance Rezoning the Property
- B . Map Attachment to Ordinance
- C . Staff report as presented to the Planning Commission on July 19, 2006
- D . Environmental Document - Subsequent Mitigated Negative Declaration
- E . Moskowitz Mitigation Monitoring Program
- F . Graphics for tentative parcel map
- G . Application for rezoning and map
- H . Comments from departments and agencies
- I . Comments from interested parties

CEO Recommendation: Approve

Reviewed By: Andrew Carey