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Agenda Date: 8/29/2017

Agenda Placement: 10A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** John McDowell for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** John McDowell, Principal Planner - 299-1354

**SUBJECT:** Capell Valley School - Initiation of General Plan Amendment

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### **RECOMMENDATION**

Director of Planning, Building and Environmental Services requests initiation of a General Plan Amendment for the Capell Valley School commercial project located on the northeast side of Capell Valley Road approximately 3/4 mile northwest of its intersection with Steele Canyon Road at Moskowite Corner, 1191 Capell Valley Road, Napa (Assessor's Parcel Number 032-120-026).

**ENVIRONMENTAL DETERMINATION:** This action consists of initiating processing of a general plan amendment, which is not a 'project' as defined by 14 California Code of Regulation 15378 (c) (State CEQA Guidelines), and accordingly, no CEQA review is required at this time. However, the general plan amendment will require environmental review which will commence once processing is initiated.

### **EXECUTIVE SUMMARY**

This item would initiate processing of a general plan amendment to convert the former Capell Valley School property to commercial land use in order to develop an approximately 9-unit short-term rental cottages project. Presently, the site has an Agriculture, Watershed and Open Space (AWOS) general plan designation which does not permit commercial land uses. In addition to a general plan amendment, the project would require rezoning from Agricultural Watershed (AW) to Commercial Limited (CL), and issuance of a use permit. If the proposed general plan amendment is initiated, submittal of the rezoning and use permit applications would occur and be concurrently processed as one overall project development plan.

This general plan amendment is not subject to Measure J (and subsequently Measure P) because this property was previously designated Rural Residential (RR) at the time Measure J was adopted in 1990. Measure J and now Measure P require voter approval of any general plan amendment converting agriculturally designated land as shown on the 1990 County General Plan Map. The subject property was changed to AWOS in 2008 as part of the Proposed Land Use Map Amendment (PLUMA) process wherein imprecise general plan map boundaries

where refined to align with existing land uses and city limit lines and is therefore not subject to the requirements of Measures J/P.

Board of Supervisors Resolution 05-173, attached, establishes the criteria for processing general plan amendments. The resolution states, among other requirements, that the Board must first authorize the processing of any amendment application after finding that the proposal complies with eight specific criteria. Staff is requesting that the Board initiate processing of the project because it meets the criteria listed in Resolution 05-173 as evaluated in the Background Section of this report. The project will ultimately return to the Board of Supervisors for final action after CEQA processing is completed and the Planning Commission has conducted a public hearing and forwarded a recommendation to the Board of Supervisors.

## **PROCEDURAL REQUIREMENTS**

1. Chair introduces item, followed by Staff presentation.
2. Applicant presentation followed by public comments.
3. Motion, second, discussion and vote on the item.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

This action consists of initiating processing of a general plan amendment, which is not a 'project' as defined by 14 California Code of Regulation 15378 (c) (State CEQA Guidelines), and accordingly, no CEQA review is required at this time. However, the general plan amendment will require environmental review which will commence once processing is initiated.

## **BACKGROUND AND DISCUSSION**

### **General Plan Amendment Process**

Generally, local governments may not amend any one of the mandatory elements of their general plan more than four times in one calendar year (Government Code Section 65358(b)). Most government agencies consequently establish local guidelines for managing the acceptance and processing of amendments during a calendar year. Local governments are allowed to bundle multiple private party requests into a single amendment to avoid exceeding amendment limits.

Napa County local procedures for processing general plan amendments are set forth in Board of Supervisors Resolution 05-173, attached, which limits private party amendment filing to the month of March. Although it is rare that more than one private party amendment application is filed within a calendar year, the filing window process allows the Board to consider whether the workload associated with processing individual applications should be incorporated into the Planning, Building, and Environmental Services Department's ("Department") annual work program. The resolution also states that County-initiated amendments may be initiated at any time at the discretion of the Board of Supervisors. The applicant filed timely and both parties agreed to the August date.

**Project Description**

The subject property is currently zoned AW and has an AWOS general plan designation. The property owner envisions converting the former school site to an approximately 9 unit lodging establishment. The school building would be converted to guest check-in, office and storage uses; modular cottages would be placed on the northern portion of the site adjacent to, but outside of the wooded stream corridor. Hotels and lodges are not allowed in the AW zoning district, but are allowed with a use permit in the CL zoning district. However, establishment of a new CL zoning district is not consistent with the AWOS general plan designation currently applied to the site, and therefore a general plan map amendment is necessary in order to enable rezoning.

Pursuant to General Plan Table AG/LU-B: *General Plan & Zoning: For Use in Considering Changes in Zoning*, only Urban Residential (UR) general plan designation allows rezoning of land to CL. Therefore, re-designation of the site to UR is the most obvious amendment option to meet the property owner's objectives. However, prior to the 2008 PLUMA general plan mapping alignment project, this site and most of the surrounding properties were designated Rural Residential (RR) (see attached PLUMA map for Moskowitz Corner). With PLUMA, those nearby sites that already had CL zoning retained their RR general plan designations. As such, if the Board authorizes processing of this application, Staff proposes to analyze the feasibility of a second amendment option consisting of amending General Plan Table AG/LU-B to allow for CL zoning in the RR designation since there are presently several CL properties within RR designated areas in proximity to the site and in other RR pockets throughout the County.

**Property General Plan / Zoning History**

1898 - The original Capell Valley School was established across Capell Valley Road from the subject property.

1958 - The Pridmore family dedicated the subject site to the school district with the new school established shortly afterward.

1975 - The Board of Supervisors adopted the initial General Plan Map and Land Use Element designating the subject property and overall Moskowitz Corner area as "Limited Urban." By December 1975 the Board had re-designated the Moskowitz Corner area to "Transition Area." The subject site and most surrounding properties were also rezoned from Agricultural Watershed Recreation (AWR) to the modern AW.

1982 - The Board of Supervisors re-designated the Transition Areas to RR.

2008 - The subject property was re-designated to AWOS as a part of comprehensive general plan update.

2010 - The school district closed the school.

2016 - The school district sold the subject property as surplus after considering alternative uses, such as conversion to a community center or park.

March 2017 - The Pridmore family filed this General Plan Amendment request. In April, the applicant agreed to Staff's request to hold this initiation hearing in August due to Board agenda scheduling needs.

**General Plan Amendment Initiation Criteria**

Board Resolution 05-173 sets forth that the Board address certain criteria and a project definition component to initiate processing of a private party general plan or specific plan amendment. Amendments will only be processed if the Board determines:

1. *That the amendment is in the public interest and internally consistent with the Napa County General Plan;*
2. *That a text amendment is site-specific to enable environmental evaluation;*
3. *That a map amendment includes a development plan of sufficient detail to determine potential impacts on the site and surrounding area;*

And at least one of the following:

4. *If the amendment involves parcels within an urban area, the amendment should be designed to specifically increase the availability of affordable housing within the designated urban areas of the County;*
5. *The amendment will maintain availability of affordable housing, at least at the current level;*
6. *If the amendment involves parcels in rural areas, the amendment should be specifically designed to enhance or promote the long-term viability of agriculture or related industries;*
7. *The amendment should either be specifically designed to promote the long term integrity of the County's agricultural, watershed and open space lands, or, if dealing with areas designated for non-agricultural uses, to not impair the long term integrity of the Agricultural Preserve and agricultural, watershed and open space lands;*
8. *If the amendment involves a parcel within an urban designation, the amendment should promote the concentration of growth in designated urban areas and not adversely impact traffic circulation or sewer and water facilities/services, or can show that these services are adequate.*

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Resolution 05-173 criteria are addressed individually as follows:

General Definition of the Project:

The proposal is consistent with this criterion. The scope of the proposal is limited to a single property with specific proposed uses consisting of an approximately 9 unit lodging establishment on a 5.03 acre property. The exact number of cottages may be adjusted once the concurrent use permit application is submitted where the development plan will be more refined.

Initiation Criteria:

1. *That the amendment is in the public interest and internally consistent with the Napa County General Plan;*

The proposal is consistent with this criterion. The applicant is seeking to establish a short-term rental cottage business on a 5 acre former school site in the eastern portion of the County near Lake Berryessa. This region of the County has faced significant economic challenges in recent years due to operational changes at Lake Berryessa. The school district was compelled to close the school in 2010 and sell the property due to declining enrollment and district-wide revenue shortfalls. At 5 acres and containing school buildings and improvements, the site has significant constraints to reuse/redevelopment under the present zoning and general plan designations. AW zoning and AWOS general plan designation allow for agriculture, agricultural processing facilities, farm management yards and offices, farmworker housing, and a residence with second unit and guest cottage. The site is below the minimum parcel size for establishment of a winery. Approval of the project would help support the economy in the Lake Berryessa Region which serves the public interest. Adjoining uses include a fire station to the southeast zoned AW, and a boat/RV storage yard to northwest zoned CL. Applying CL zoning and either UR or RR general plan designations to this site would be compatible with the existing adjoining land uses, and internally

consistent with the Napa County General Plan. A detailed general plan consistency analysis will be performed with subsequent processing of the application.

*2. That a text amendment is site-specific to enable environmental evaluation;*

The proposal is consistent with this criterion. The amendment is limited to a site-specific property as noted above.

*3. That a map amendment includes a development plan of sufficient detail to determine potential impacts on the site and surrounding area;*

The proposal is consistent with this criterion. The attached preliminary project plans show the site, site plan, and conceptual floor plans and building elevations. The attached development plans have sufficient detail to commence processing of the application. Potential for environmental impacts is limited due to the existing developed condition. Project plans will be substantially augmented after initiation of processing in order to meet all of the submittal requirements for a new use permit.

*4. If the amendment involves parcels within an urban area, the amendment should be designed to specifically increase the availability of affordable housing within the designated urban areas of the County;*

The criterion is not applicable to the proposed project. The proposal is not presently located within an urban area.

*5. The amendment will maintain availability of affordable housing, at least at the current level;*

The proposal is consistent with this criterion. No changes to the availability of affordable housing will occur as a result of the project. No housing is proposed with the project, and there is no existing housing on site or nearby that will be affected by the project.

*6. If the amendment involves parcels in rural areas, the amendment should be specifically designed to enhance or promote the long-term viability of agriculture or related industries*

The project is consistent with this criterion. The proposal involves converting a former public school to a lodging establishment on a 5 acre property that adjoins a fire station and storage yard, which is presently zoned CL. No agriculture will be displaced by the project, and potential for the project site to redevelop with agricultural uses is somewhat limited. Proposed short-term rental cottages will be located on the northern portion of the site with filtered views of existing vineyards to the north, but of sufficient distance (greater than 65 ft. to the east, and 400 ft. to the north) from the vineyards so as not to pose a conflict between farming activities and lodgers.

The project site is located within a former "rural residential bubble" from the 1983-2007 General Plan and is consequently bracketed by two non-agricultural uses. Returning the site to its former RR designation or re-designating it UR is not subject to voter approval under Measure J (and P), and therefore can be considered suitable for re-designation without encroaching into long-established voter imposed protected agricultural areas. Given the continued demand for lodging throughout Napa County, it is possible that allowing lodging in areas outside of voter-protected agricultural areas may commensurately reduce pressure for such uses to locate on voter-protected lands. Additionally, east of Napa Valley and out toward Lake Berryessa there are minimal existing lodging options for visitors. Providing a lodging option in this region could help promote agriculture to the less-visited eastern portion of the County.

*7. The amendment should either be specifically designed to promote the long term integrity of the County's agricultural, watershed and open space lands, or, if dealing with areas designated for non-agricultural uses, to not impair the long term integrity of the Agricultural Preserve and agricultural, watershed and open space lands;*

The proposal is consistent with this criterion. The proposal is located in a former "rural residential bubble" this is identified in the current general plan as not be subject to Measure J (see attached Figure AG/LU-3.5). As discussed in criterion 6 above, the proposal seeks to re-establish a non-agricultural designation on a former school site that has limited potential to redevelop with agricultural uses. Conversion of the school site to a lodging use will not impair the long term integrity of the Agricultural Preserve and agriculture, watershed and open space lands.

*8. If the amendment involves a parcel within an urban designation, the amendment should promote the concentration of growth in designated urban areas and not adversely impact traffic circulation or sewer and water facilities/services, or can show that these services are adequate.*

The criterion is not applicable to the proposed project. The proposal is not presently located within an urban area.

### **Public Process**

The Board may accept public comments and hear from the applicant at this initiation hearing, but it is not required. Public hearings before the Planning Commission and Board of Supervisors will occur after the application is initiated and processed. As an initiation hearing, mailed and posted notice of this hearing has not occurred. However, on June 22, 2017, a courtesy notice was mailed to all property owners within 1,000 ft. of the subject property as well as emailed to those persons who have requested notification of all pending projects. In addition, the project has been posted on the Department's pending project webpage for several months. To date, no public comments or inquiries have been received.

### **Subsequent Processing Steps**

If the Board initiates application processing, the applicant will be directed to file both a rezoning application and use permit application for concurrent processing. Once those additional materials are submitted, the project will be referred to commenting departments, divisions and outside agencies (Fire, Building, Engineering, Environmental Health, etc.) and preparation of CEQA documentation will commence.

If the Board does not initiate application processing, then no further processing would occur and the file would be closed. The property owner would be free to file any other land use application allowed by zoning, or file a future General Plan Amendment request within the time periods prescribed in Board Resolution 05-173.

### **SUPPORTING DOCUMENTS**

- A . Resolution 05-0173 General Plan Amendment Process
- B . Application
- C . Graphics
- D . General Plan & PLUMA Exhibits

CEO Recommendation: Approve

Reviewed By: Helene Franchi