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A Commitment to Service

Agenda Date: 1/7/2009

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Sean Trippi, Principal Planner - 299-1353
SUBJECT: Napa Commerce Center P07-0412-UP & P08-00131-PM

RECOMMENDATION

NAPA COMMERCE CENTER / HEADWATERS CONSTRUCTION, INC. (Douglas Pope) - USE PERMIT #P07-00412-UP & TENTATIVE PARCEL MAP #P08-00131-PM

CEQA Status: Addendum to the Final EIR, certified on April 9, 2002, for the Beringer Wine Estates Devlin Road Facility (State Clearinghouse No. 00034043). (CEQA Guidelines Section 15164.) According to the Initial Study the proposed project would have similar or lesser impacts than the project analyzed by the previously certified Final EIR and therefore no additional environmental review is required. The adopted mitigation measures are still applicable for the potentially significant impacts identified in the previous Final EIR that apply to the proposed project. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of a Use Permit to construct a wine warehousing/storage and distribution facility with approximately 646,734 square feet of floor area with ancillary office areas. Parking for up to 376 vehicles is provided on-site in addition to truck loading docks. The proposal also includes the extension of Devlin Road with a grade separated crossing of the railroad tracks adjoining the east property line of the site. Approximately 120,000 cubic yards of fill from the adjacent airport property would be imported to construct the Devlin Road overcrossing and building pad. The extension of Devlin Road would terminate near the southwest corner of the building allowing future connection to Green Island Road through the property to the south. A new road is proposed off the extension of Devlin providing access to the building site, access to a sewer pump station west of the building site and connection to the Napa County airport. A proposed spur line will provide rail access to loading docks on the east side of the building. The request also includes a tentative parcel map to subdivide the project site into two (2) parcels; an approximate 38-acre lot for the proposed building and associated improvements and a 180-acre lot for the remainder of the property. The proposed project is located on a 218 acre site on the south of the Napa County Airport, west of the Union Pacific railroad tracks. within an Industrial Park: Airport Compatibility (IP:AC) zoning district. APN: 057-090-069. American Canyon.

Staff Recommendation: Consider the previously certified Final EIR and Mitigation Monitoring and Reporting Program (as revised) and the associated addendum, and readopt the CEQA Findings of Fact and Rationale and

Statement of Overriding considerations contained the Board of Supervisors resolution No. 02-72, and approve the use permit and tentative parcel map with the proposed conditions of approval.

Staff Contact: Sean Trippi, (707) 299-1353 or strippi@co.napa.ca.us strippi@co.napa.ca.us

CONTINUED FROM THE DECEMBER 17, 2008 REGULAR MEETING.

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission readopt the CEQA findings, statement of overriding considerations and Mitigation Monitoring and Reporting Program contained in Board of Supervisors Resolution No. 02-72 and based on findings 1-2 of Exhibit A;
2. That the Planning Commission approve Use Permit #P07-00412 based on findings 3-7 of Exhibit A and subject to the conditions of approval; and
3. That the Planning Commission approve the Tentative Parcel Map #P08-00131 based on findings 8-14 of Exhibit A and subject to the conditions of approval.

Discussion:

This item was continued from the December 17, 2008, Planning Commission meeting at the request of the applicant to address minor issues raised by the proposed Public Works' conditions of approval. The applicant also requested that the Commission open the public hearing so that any interested parties could comment on the proposed project and to receive comments from the Commission. This report is intended to augment the staff report provided for the December 17, 2008 meeting. Copies of the December 17, 2008 packet materials will be provided to Commissioners, and are available on-line by accessing the December 17, 2008 meeting agenda. Complete copies of the traffic study and biological assessment are included as attachments to this report and the incomplete versions have been deleted from the December 17, 2008 packet materials.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION:

In 2001, the Planning Commission adopted Resolution No. 01-09 certifying a final EIR for the Beringer Wine Estates Devlin Road Facility (State Clearinghouse No. 00034043.) The project was appealed and in 2002, the Napa County Board of Supervisors adopted Resolution No. 02-72, denying the appeal, upholding the Planning Commission action, certifying the EIR, and adopting a Mitigation, Monitoring and Reporting Plan for the Beringer project. Both resolutions included a summary of the potential impacts, findings of facts and rationale, and statements of overriding considerations. The Beringer project and the FEIR were the subject of litigation that ultimately resulted in a Court of Appeal decision upholding the County's approval of the project and the adequacy of the FEIR. The certified Beringer EIR is available for review at the CDPD office.

An Initial Study has been prepared in accord with the provisions of the California Environmental Quality Act (CEQA) and Napa County's Local Procedures for Implementing CEQA. The Initial Study consists of a completed

environmental checklist and a brief explanation of the environmental topics addressed in the checklist. The Initial Study assesses the potential environmental impacts of implementing the proposed project against the previously approved project and whether a subsequent EIR, a supplemental EIR, or an addendum to the previous EIR would be the appropriate document to analyze the proposed project.

As demonstrated in the Initial Study check list provided with the Addendum and further explained in the December 17, 2008, Planning Commission staff report the proposed project does not meet the criteria for preparing a subsequent or supplemental EIR, and no further environmental review is needed. For the potentially significant impacts identified in the Beringer EIR that apply to the proposed project, the adopted mitigation measures also apply and are incorporated into the Initial Study by reference. Compliance with the applicable mitigation measures contained in the EIR and the attached Mitigation Monitoring and Reporting Program are included as a condition of approval.

BACKGROUND AND DISCUSSION

The following is in response to comments raised at the December 17, 2008 hearing.

1. Exterior Building Elevations and Materials - The applicant has submitted revised exterior building elevations to address the Commission's concerns. A letter from the project Architect dated December 23, 2008, explaining the design and material revisions is attached.

Staff has also provided the building elevations of the previously approved Beringer wine production facility. Because of the size of the drawings it is difficult to discern design details. A slightly enlarged site and floor plans are also attached to help decipher the elevations. Along the east/west building facade is a series of overlapping gable elements. The north/south building facades include staggered shed roof elements. The barrel warehouse building includes the same elements. Approved building materials were concrete tilt-up wall panels with standing seam metal roofing.

2. Affordable Housing Trust Fund Ordinance - In general, County Code Chapter 15.60, Affordable Housing, requires payment of an in-lieu fee for new construction projects with minor exceptions. Moneys deposited in the housing fund are used to increase and improve the supply of housing affordable to moderate, low and very low income households. The fee for non-residential development is based on the nature of the occupancy and the amount of floor area. The proposed Napa Commerce Center would be required to pay approximately \$531,787.20 into the housing fund. This is based on 634,734 sq. ft of warehouse at \$0.80 per sq. ft. and 12,000 sq. ft. of office at \$2.00 per sq. ft. The Beringer permittee agreed to pay twice the amount of the required fee based on the fees in effect at the time of the issuance of building permits. At that time, the fees were \$0.50 for wine production and industrial floor area, \$0.20 for warehousing, and \$1.00 for office area. Based on 66,710 sq. ft. of office, laboratory and employee break room at \$2.00 per sq. ft. and 1,357,690 sq. ft. of wine production area at \$1.00 per sq. ft. (although some of this area could be considered warehousing) the total fee would have been about 1.5 million dollars had the previously approved Beringer facility been constructed. Since the fees have generally doubled since the time Beringer was in process, the need to augment the current fee rates is not as critical. As mentioned at the last hearing, we cannot require a permittee to pay an additional amount of money over required fee amounts unless there is a nexus between the fee imposed and the housing impact created by the project. However, staff is still negotiating with the permittee for a commitment to pay the required housing fee even if the property is annexed to the City of American Canyon prior to the issuance of building permits. We will report to the Commission on the outcome at the upcoming hearing.

3. Mitigation Monitoring and Reporting Program (MMRP) / Conditions of Approval - The MMRP has been revised to include only the applicable mitigation measures. Those measures that applied to the approved vineyards have been removed. The conditions of approval have been updated to include the revised Public Works memo and the

reference to the MMRP. The revised Public Works memo, dated December 30, 2008, is attached and supersedes the memo dated December 11, 2008, contained in the December 17, 2008, packet materials. All other review agency comments are included in the December 17, 2008, packet materials.

4. Initial Study Attachments - Staff had provided the Commission with the complete Traffic Study and Biological Assessment at the conclusion of the December 17, 2008, hearing. Complete versions of both documents are also attached to this report. The incomplete versions of the reports have been deleted from the December 17, 2008, packet materials to avoid confusion.

SUPPORTING DOCUMENTS

- A . Conditions of Approval
- B . Public Works memo dated 12/30/2008
- C . Initial Study Appendix - Biological Resources Assessment
- D . Initial Study Appendix - Traffic Assessment
- E . Mitigation Monitoring and Reporting Program - January 2009
- F . Letter from Architect - December 23, 2008
- G . Graphics - Revised Building Elevations & Site Plan
- H . Graphics - Beringer Site Plan, Elevations & Floor Plans
- I . Graphics - Beringer Photo Simulations

Napa County Planning Commission: Approve

Reviewed By: John McDowell