

AGENDA

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION



A Tradition of Stewardship
A Commitment to Service

**Wednesday, November 16, 2011
9:00 AM**

COMMISSION MEMBERS

<i>COMMISSIONER</i> <i>Heather Phillips</i> <i>District # 1</i>	<i>VICE-CHAIR</i> <i>Michael Basayne</i> <i>District # 2</i>	<i>COMMISSIONER</i> <i>Terry Scott</i> <i>District # 4</i>	<i>COMMISSIONER</i> <i>Bob Fiddaman</i> <i>District # 3</i>	<i>CHAIR</i> <i>Matt Pope</i> <i>District # 5</i>
<i>COMMISSION COUNSEL</i> <i>Laura Anderson</i>		<i>SECRETARY-DIRECTOR</i> <i>Hillary Gitelman</i>		<i>COMMISSION CLERK</i> <i>Sarah Minahen</i>

The Commission welcomes you to its meeting which is regularly scheduled the first and third Wednesday of the month. The Commission meets at 1195 Third Street, Suite 305, Napa. The following information is provided to ensure your understanding and participation in the Commission's meeting and decision making process. Your comments and participation in the meeting are invited and would be welcomed. It is our desire to give everyone an opportunity to speak and be heard in a timely manner and within an atmosphere of respect and diplomacy. These procedures are meant to foster an atmosphere of respect. Assistive listening devices are available for the hearing impaired from the office of the Clerk of the Board. If an ASL interpreter or any other special arrangement is required, please provide the Clerk of the Commission with 24-hour notice by calling 253-4417.

ITEMS TO BE DECIDED WITHOUT ADDITIONAL TESTIMONY:

Items listed under this section on the agenda are regular items which are recommended for approval or continuance by staff with the applicant's consent concerning conditions of approval, when the applicant has signed any required project revision statement and when no member of the Commission or public indicates a desire to comment or ask questions about the item. These items regardless of their agenda assigned number will be acted upon by the Commission in one motion at the beginning of the meeting. Applicants having items so listed need not speak unless they disagree with the staff recommendation or wish to comment. If an Item requires discussion, it will be heard in the numerical order listed on the agenda.

PERSONS WISHING TO SPEAK CONCERNING AN AGENDA ITEM:

If you wish to speak on an item on the Agenda and under discussion by the Commission, you may do so upon receiving recognition from the Chairperson. After being recognized by the Chairperson, please step to one of the microphones and state your name and address and make your presentation. No comment or testimony shall be shouted from the audience. All comments are to be directed to the Commission, including inquiries requiring staff response. Time limitations shall be at the discretion of the Chair or Commission.

APPEAL PROCEDURE:

If you do not agree with the Commission's decision or the conditions that may have been imposed by the Commission in approving an agenda item, you may appeal the Commission's action to the Napa County Board of Supervisors. Appeal must be filed within ten (10) working days from the date of the Commission's action. Appeals may be limited to those issues raised at the public hearing relating to the agenda item or to written correspondence delivered to the Planning Commission at or prior to the public hearing. For additional information concerning the County's Ordinance requirements for filing an appeal or to obtain the required forms to file an appeal, please stop at the front counter in the County Executive Office/Clerk of the Board, 1195 Third Street, Suite 310 in Napa. If you have any question concerning the appeals procedure, please call (707) 253 4580 and request assistance.

All materials relating to an agenda item for an open session of a regular meeting of the Planning Commission which are provided to a majority or all of the members of the Commission by Commissioners, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, at the time of such distribution, in the office of the Clerk of the Planning Commission, 1195 Third Street, Suite 210, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Commission at the meeting will be available for public inspection at the public meeting if prepared by the members of the Commission or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

Agenda available on line at www.countyofnapa.org

1. CALL TO ORDER / ROLL CALL**2. PLEDGE OF ALLEGIANCE****3. CITIZEN COMMENTS AND RECOMMENDATIONS**

The Commission invites Citizen comments and recommendations concerning current problems and future prospects of a planning nature which are within the jurisdiction of the Conservation, Development & Planning Commission. Anyone who wishes to speak to the Commission on such a matter, if it is not on the agenda, may do so at this time.

4. APPROVAL OF MINUTES

Minutes of September 21, 2011

5. DIRECTOR'S REPORT

- **BOARD OF SUPERVISORS ACTIONS**
- **OTHER DEPARTMENT ACTIVITIES**

6. AGENDA REVIEW**7. DISCLOSURES****8. PUBLIC HEARING ITEMS TO BE DECIDED WITHOUT ADDITIONAL TESTIMONY**

None.

9. PUBLIC HEARING ITEMS**A. LANDMARK PRESERVATION ORDINANCE UPDATE, COUNTY-INITIATED ZONING TEXT AMENDMENTS P10-00377-ORD**

CEQA Status: In accordance with CEQA and the State CEQA Guidelines (Sections 15168), the County is proposing to use the program level Environmental Impact Report (EIR) for the General Plan Update (SCH# 2005102088, certified June 2008) as the EIR for the Landmark Preservation Ordinance Update. As discussed in a memorandum and checklist (initial study) dated August 15, 2011 and a supplemental memorandum dated November 4, 2011, this approach is consistent with CEQA and the State CEQA Guidelines because (1) the proposed update is within the scope of the General Plan approved in 2008, and (2) the program EIR prepared for the General Plan Update adequately describes the activity for purposes of CEQA. In addition, (3) the County has not identified any changes in the General Plan, changes in circumstances under which the General Plan Update was adopted, or new information of substantial importance that would necessitate subsequent environmental review pursuant to CEQA Guidelines Section 15162. A copy of the General Plan Update EIR may be reviewed during business hours at the offices of the Department of Conservation, Development and Planning, 1195 Third Street in Napa or on the County's website at <http://www.countyofnapa.org/Planning/>.

Request: Report to the Board of Supervisors regarding the Board's requested modifications to an ordinance recommended for their adoption on September 7, 2011, and recommend adoption of two County-sponsored ordinances. The first ordinance would designate a list of six "landmarks of special significance" which may be reused for their historic use(s) if their owner(s) obtain a use permit following site-specific environmental review. The second ordinance would allow the

same listed "landmarks of special significance" to be reused for a compatible new use under the same conditions. As proposed, possible commercial uses would be limited. Historic uses could not include illegal uses such as gambling, and compatible new uses could only include uses that are permitted in the County's Commercial Limited (CL) and Commercial Neighborhood (CN) zoning districts. Both ordinances would implement an action item included in the General Plan Update of 2008.

Titles of Ordinances:

1. AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING CHAPTER 15.52 (LANDMARK PRESERVATION) AS IT RELATES TO THE DESIGNATION AND USE OF LANDMARKS OF SPECIAL SIGNIFICANCE IN NAPA COUNTY AND ADDING NEW SECTIONS 18.104.430 (NAPA COUNTY LANDMARKS OF SPECIAL SIGNIFICANCE -- FINDINGS) AND 18.132.065 (NAPA COUNTY LANDMARKS OF SPECIAL SIGNIFICANCE -- USE AND CONTINUANCE)
2. AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING SECTION 15.52.040 (DESIGNATED LANDMARKS, FARM CENTERS, AND LANDMARKS OF SPECIAL SIGNIFICANCE - USE CONDITIONS), SECTION 18.104.430 (NAPA COUNTY LANDMARKS OF SPECIAL SIGNIFICANCE - FINDINGS) AND SECTION 18.132.065 (NAPA COUNTY LANDMARKS OF SPECIAL SIGNIFICANCE – USE AND CONTINUANCE)

Staff Recommendation: Recommend that the Board of Supervisors find that the proposed project falls within the scope of the General Plan Program EIR and adopt both proposed ordinances.

Staff Contacts: Linda St. Claire, 299-1348, linda.stclaire@countyofnapa.org or Hillary Gitelman, 253-4805, hillary.gitelman@countyofnapa.org.

B. GOLF COURSE RESTAURANTS ZONING ORDINANCE TEXT AMENDMENT P11-00094-ORD

CEQA Status: The proposed amendment is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities, and Section 15305, Class 5 - Minor Alteration in Land Use Limitations.

Request: County sponsored Zoning Ordinance text amendment to allow restaurants and banquet facilities at the two existing golf courses located in the proximity of the Airport Industrial Area Specific Plan to be open to the general public as an accessory use. The Eagle Vines Golf Course is located at 580 S Kelly Road; APNs 057-070-018, 057-070-001, 057-006-070. The Chardonnay Golf Club is located at 2555 Jameson Canyon Road; APN 057-070-019.

Ordinance Title: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING SECTIONS 18.104.040 OF CHAPTER 18.104 OF TITLE 18 OF THE NAPA COUNTY CODE REGULATING EXISTING RESTAURANTS AND BANQUET FACILITIES GOLF COURSES LOCATED WITHIN ONE MILE OF THE AIRPORT INDUSTRIAL AREA.

Staff Recommendation: That the Planning Commission conduct a public hearing and forward a recommendation to the Board of Supervisors.

Staff Contact: Sean Trippi, (707) 299-1353, sean.trippi@countyofnapa.org

CONTINUED FROM THE OCTOBER 19, 2011 REGULAR COMMISSION MEETING

C. LODESTONE VINEYARDS WINERY - WAI & CHRISTOPHER CHANG, dba DIVERSIFIED BUSINESS GROUP, USE PERMIT P11-00280-UP & VARIANCE P11-00281-VAR

CEQA Status: Negative Declaration Prepared. According to the proposed Negative Declaration, the project would not have any potentially significant effects. The 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: 1) establish a 20,000 gallon per year winery; 2) demolish existing residence & construct an approximately 15,660 square foot winery with a 7,310 square foot winery building, an 1,800 square foot outdoor covered crushpad and 6,550 square foot caves; 3) establish 10 or fewer employees; 4) construct 9 parking spaces; 5) establish by-appointment tours and tastings with a maximum of 35 person per day; 6) establish an annual marketing plan with 6 events for a maximum of 40 guests per event and two events with a maximum of 75 guests per event; 7) construct an on-site commercial grade kitchen; 8) install a new wastewater treatment system with sub-surface drip disposal; and 9) widening of the existing access drive to 20 feet onsite. The project also includes approval of a variance to allow the winery structure to encroach 35 feet into the 300 foot winery setback from Long Ranch Road. The 42.1 acre project site is located on the north side of Long Ranch Road, approximately 2.2 miles south of Highway 128 within the AW (Agricultural Watershed) Zoning District, Assessor Parcel Number: 032-010-071, 200 Long Ranch Rd, St. Helena.

Staff Recommendation: Adopt the negative declaration and approve the requested variance and use permit as conditioned.

Staff Contact: Linda St. Claire, 299.1348 or linda.stclaire@countyofnapa.org

D. AMENDMENTS TO THE 1986 AIRPORT INDUSTRIAL AREA SPECIFIC PLAN:

(1) NAPA 34 COMMERCE CENTER / NAPA 34 HOLDINGS LLC, SPECIFIC PLAN AMENDMENT P11-00096-SP, USE PERMIT MAJOR MODIFICATION P11-00233-MOD & TENTATIVE PARCEL MAP P11-00235-PM

(2) GATEWAY COMMERCIAL CENTER / AIRPORT BLVD. REATLY LLC & LLC II, SPECIFIC PLAN AMENDMENT P11-00118-SP

(3) TULOCAY-MADE IN NAPA VALLEY / RICHARD LONG, SPECIFIC PLAN AMENDMENT P09-00209-SP

CEQA Status: Negative Declaration Prepared. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. The project sites are not on any of the lists of hazardous waste sites enumerated under Government Code sec. 65962.5.

Request: Amendment of the 1986 Airport Industrial Area Specific Plan to allow:

(1) NAPA 34 COMMERCE CENTER: Specific Plan Amendment, Use Permit Modification and Tentative Parcel Map for construction of a service station with convenience market/drive through coffee shop with approximately 3,521 sq. ft. of floor area, a 3,970 sq. ft. canopy over the pump islands and a 1,100 sq. ft. carwash replacing two previously approved, but not yet constructed commercial office buildings totaling approximately 15,000 sq. ft. This request also includes a tentative parcel map to create the 1.2 acre parcel for the service station. The project site is located at the southeast corner of the intersection of Airport Boulevard and Devlin Road, within an Industrial Park: Airport Compatibility (IP:AC) zoning district. (Assessor's Parcel: 057-210-056). No Current Address;

(2) GATEWAY COMMERCIAL CENTER: Specific Plan Amendment to allow an approximate 39,924 sq. ft. addition to an existing hotel increasing the number of rooms from 100 to 160 rooms with a concurrent reduction in the amount of other commercial space allowed on site, including approximately 12,983 sq. ft. of retail, 20,606 sq. ft. of office and 2,598 sq. ft. of restaurant. The proposal will result in a net reduction to the number of required on-site parking by 95 spaces. The project site is located on approximately 9.8 acres on the northwest corner of the intersection of State Highway 29 and Airport Boulevard, within an Industrial Park: Airport Compatibility (IP:AC) zoning

district. (Assessor's Parcels: 057-200-017, 018, 019, 023, 024, 025, & 026). 101 Gateway Road East, Napa; and,

(3) TULOCAY-MADE IN NAPA VALLEY: Specific Plan Amendment to allow food manufacturing facilities to establish restaurants as an accessory use to the primary use of food manufacturing provided the meals include food products made at the facility. This will initially clarify use of the existing cafe/restaurant at the Tulocay facility located on approximately 3.0-acres on the west side of Devlin Road, between Devlin Road and State Highway 29, approximately 310-feet north of Sheehy Court within an Industrial Park: Airport Compatibility (IP:AC) zoning district. APN: 057-250-035. 388 Devlin Road, Napa.

Staff Recommendation: That the Planning Commission conduct a public hearing and forward a recommendation to the Board of Supervisors.

Staff Contact: Sean Trippi, (707) 299-1353, sean.trippi@countyofnapa.org

E. POPE CREEK ROCK QUARRY/GRAVEL PIT - COMPLIANCE REVIEW OF SURFACE MINING PERMIT No. 97420-SMP

CEQA Status - Categorical Exemption Class 21: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 21 ("Enforcement Actions by Regulatory Agencies") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15321.]

Request: Conduct a public hearing pursuant to Section 16.12.620 of the Napa County Code, for the purpose of determining whether or not the mining operator has substantially complied with Napa County Code Chapter 16.12, Surface Mining Permit No. 97420-SMP and the master mining plan. If the Planning Commission finds the operator is not in substantial compliance, the Commission shall consider: (1) Revocation or Suspension of Surface Mining Permit No. 97420-SMP issued April 15, 1998, for rock quarrying and associated activities; and (2) issuance of an Order to Comply to commence site reclamation as stipulated in Surface Mining Permit No. 97420-SMP. Revocation or suspension of No. 97420-SMP is requested on the grounds that the permittee is violating or has violated conditions thereof; the use for which the surface mining permit was granted is being, or has been exercised contrary to the terms or conditions of such approval; the use granted is being or has been exercised as to be detrimental to the public health, safety or general welfare; and, the use for which the approval was granted is being exercised in such a manner as to constitute a nuisance. The project is located on a 455-acre parcel on the north side of Pope Canyon Road approximately 2.5 miles northeast of its intersection with Pope Valley Cross Road within an Agricultural Watershed (AW) Zoning District (Assessor's Parcel Number 018-080-023). 2700 Pope Canyon Road, Pope Valley, California.

Staff Recommendation: Find that the mining operator and owner(s) are not in substantial compliance with NCC Chapter 16.12 (Surface Mining and Reclamation) and conditions of Surface Mining Permit No. 97420-SMP, revoke Surface Mining Permit No. 97420-SMP, and direct the planning director to issue an order to comply.

Staff Contact: Donald Barrella (707) 299-1338 or donald.barrella@countyofnapa.org

10. DEPUTY DIRECTOR'S REPORT

- DISCUSSION OF ITEMS FOR THE **DECEMBER 7, 2011 REGULAR MEETING**

- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

11. COMMISSIONER COMMENTS / COMMITTEE REPORTS

12. FUTURE AGENDA ITEMS

- #3457-UP, 1 year after opening - Kendall Jackson (formerly Pecota) Winery
- #P09-00185, 1 year after opening - Ca'Nani Winery
- #P10-00123, 1 year after opening - MJA Vineyard
- #P10-00206, 1 year after opening for visitation - Caravan Serai Winery
- #P10-00177-MOD, 1 year after final - Kelham Winery

13. ADJOURNMENT

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON NOVEMBER 10, 2011 BY 4:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

Sarah Minahen (By e-signature)
Sarah Minahen, Acting Clerk of the Commission