



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/17/2010
Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Gitelman, Hillary - Director
Conservation, Development & Planning
REPORT BY: RONALD GEE, PLANNER III - 707.253.4417
SUBJECT: CCBJ Properties Church and Commercial Center Use Permit # P10-00119-UP

RECOMMENDATION

CCBJ PROPERTIES, LLC CHURCH & COMPREHENSIVE USE PERMIT / JEFF VENESS - USE PERMIT # P10-00119-UP

CEQA Status: Categorical Exemption, Class 1: Existing Facilities/Class 2: Replacement or Reconstruction (Operation, repair, maintenance or minor alteration of existing structures or facilities not expanding existing uses / Reconstruction of existing structures or facilities on the same site having substantially the same purpose and capacity) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and §15302; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B. 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 recognize existing church and storage uses and allow additional commercial uses as part of a comprehensive permit in an existing, approximately 7,600 square foot, commercial center and a 1,600 square foot former auto repair building with 26 existing parking spaces. The project site is located on two parcels, approximately 3.39 acres total, located on the southwest corner of the intersection at College Avenue and Sky Oaks Drive, in the CN (Commercial Neighborhood) Zoning District. Assessor's Parcel Numbers: 024-153-029 and 024-161-001. 400-412 Circle Drive and 40 Sky Oaks Drive, Angwin

Staff Recommendation: Find project categorically exempt and approve use permit subject to proposed conditions of approval.

Staff Contact: Ronald Gee, 707-299-1351, or ronald.gee@countyofnapa.org

EXECUTIVE SUMMARY

Recommendation:

The Planning Commission:

1. Finds the project is Categorical Exempt, Class 1 / Class 2 from environmental review under CEQA Guidelines Section 15303 based on Findings 1-6 of Exhibit A; and
2. Approves Use Permit # P10-00119-UP based on Findings 7-11 of Exhibit A and subject to the Conditions of Approval of Exhibit B.

Discussion:

The Use Permit request would recognize two existing uses on the project site: one in an approximately 5,000 square foot space in a former shopping center building, approximately 7,600 square feet in size, and the other in a detached, former garage/auto repair building, both built in 1949. An approximately 5,000 square foot church has been operating without a use permit since 1980 at 400 Circle Drive. In the balance of the former shopping center building, an approximately 2,500 square foot vacant commercial space is available for lease. The existing storage use is located in the detached, 1,600 square foot building at 40 Sky Oaks Drive.

This request would allow additional commercial uses by right, within defined performance standards, as part of a comprehensive use permit for the project site. This action would enable the applicant to lease commercial space to specific uses currently allowed in the CN (Commercial Neighborhood) District without the need for individual use permit applications. Other uses not included in the defined list, including any that require outside storage, would require a separate use permit modification request. Restaurant uses are not allowed.

The church/commercial building has an existing 26-space parking lot with a proposed 12-space reserve parking area in the rear of the building. There is a gravel parking area in front and on the west side of the garage/storage building. Access to Circle Drive building is provided from both College Avenue and Circle Drive; the garage/storage building has Sky Oaks Drive frontage. Up to 5 employees are allowed for individual commercial uses; the church has a 50-person capacity and meets only twice a week, on Saturday mornings and Wednesday evenings. Perimeter, building frontage and side yard landscaping are included with the proposal. Each building has an independent septic system and both are connected to the Howell Mountain Mutual Water Company.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Categorically Exempt, Class 1/Class 2: Categorical Exemption, Class 1: Existing Facilities - Operation, repair, maintenance or minor alteration of existing structures or facilities not expanding existing uses and Class 2: Replacement or Reconstruction / Reconstruction of existing structures or facilities on the same site having substantially the same purpose and capacity, may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and §15302; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.

BACKGROUND AND DISCUSSION**Owner/Applicant:** CCBJ Properties LLC / Jeff Veness**General Plan Designation:** Agriculture, Watershed & Open Space, Angwin, 2008 Napa County General Plan**Zoning:** CN (Commercial Neighborhood) District**Filed:** The use permit was filed March 18, 2010 with final project information submitted on November 3, 2010.**Building Sizes:** 400-412 Circle Drive, about 7,600 sq. ft., one-story shopping center; 40 Sky Oaks Drive, about 1,600 sq. ft., one-story former garage/auto repair shop.**Building Uses:** 400-412 Circle Drive, existing about 5,000 sq. ft. church use and about 2,500 sq. ft. of vacant commercial space; 40 Sky Oaks Drive, about 1,600 sq. ft. now used for storage only.**Number of Employees:** None**Parking:** Three parking areas consisting of an existing, 26-space lot in front of 400-412 Circle Drive with a proposed 12-space, reserve graveled parking area behind the building; there is an unstriped, gravel parking area in front of and along the west side of the 40 Sky Oaks Drive storage building.**Adjacent Zoning / Land Use:**

<u>North:</u>	Residential	RS:B-5	3.20 acres (.50, 2.19 and .51 acres)
<u>South:</u>	Residential	RS:B-5	2.18 acres (.23, .31, .35, .30, .47, and .50 acres)
<u>East:</u>	Commercial	CN	4.86 acres
<u>West:</u>	Residential	RS:B-5	2.17 acres (.46, .44, .35, .20, .19, .22, and .30 acres)

Code Compliance / Zoning History:

In 1955, the property was zoned C-1 (Neighborhood Commercial) District. In 1985, the property was rezoned to the CN (Commercial Neighborhood) District. On September 6, 1994 Rezoning Application # 94603 was submitted to change the CN District designation to GC (General Commercial) District but was later withdrawn. Lot Line Adjustment # 95113 was submitted on September 12, 1995 but was never recorded.

Assessor's records and applicant statements indicate that both on-site structures were built in 1949. The 400-412 Circle Drive building was a neighborhood commercial center with a mix of office and commercial uses; these included a medical office, church pew, printing press, upholstery and auto parts supply shops, a Sears catalogue store, bakery, beauty salon, health food store and Napa Valley Office of Education Special Education Center. There were no use permit applications for any of these uses after the 1985 CN District rezoning. The Church use began in 1980, without benefit of a use permit, and has been operating continuously since that time.

The 40 Sky Oaks Drive building was a service station that later housed the Angwin Volunteer Fire Truck and a series of auto-repair uses, including a tire recapping service. This latter use was approved with Use Permit # 18-69, approved December 2, 1968. This building received two separate letters to repair its earlier, dilapidated condition. Building Inspection staff sent a January 22, 1982 letter that included posting of a "Do Not Occupy" notice and declared it an "Attractive Nuisance". A Notice of Violation was issued by Code Enforcement staff on October 1, 2008 due to the dilapidated condition of the building, constituting a public nuisance, and possibly an abandoned use requiring a new use permit.

Since that 2008 notice, the applicant has been cooperating with Planning and Building Division staff to secure required use and building permits to recognize the significant site improvements they have installed. Separate Use Permit # P09-0002-UP was approved for 75 Sky Oaks Drive, across the street, before the current application was submitted in March, 2010. A final project description was submitted in September and final site plans were submitted November 3, 2010.

Discussion:

1. Proposal - The Use Permit request would recognize two existing uses on the project site: One in an approximately 5,700 square foot space in an approximately 9,000 square foot shopping center building and the other in a detached, former garage/auto repair building, both built in 1949. An approximately 5,500 square foot church has been operating without a use permit since 1980 at 400 Circle Drive. In the balance of the building, an approximately 2,500 square foot vacant commercial space is available for lease; additional areas are used for storage.

According to the application, the Angwin Village Seventh Day Adventist Church services include a Saturday morning gathering from 9:00 AM - 1:00 PM with approximately 50 members in attendance. There are also Wednesday evening gatherings from 7:00 PM - 9:00 PM with 10 members and a business meeting every other month on Sunday evenings with up to 15 people. There are no plans to host a Vacation Bible School program. In general, one couple every two to three years had wedding services at the church with less than 50 people attending each event.

The existing storage use is located in the detached, 1,600 square foot building at 40 Sky Oaks Drive. Although most of the stored items are located within the building, a single trailer will be parked outside, on the west side of the building, away from the street. This area will be screened by the newly planted perimeter landscape improvements around the building, including new trees and shrubs. Additional fencing and/or landscaping may be required to enhance the new planting areas, if staff determines that inadequate screening is available while the new trees mature.

This request would allow additional commercial uses by right, within defined performance standards, as part of a comprehensive use permit for the project site. The performance standards ensure that the size and scale of these potential retail uses will conform with existing and available utility services and parking facilities. Required tenant improvements for each use will require Building and Department of Environmental Management review and approval to comply with updated code requirements. This permit action would enable the applicant to lease commercial space to specific uses currently allowed in the CN (Commercial Neighborhood) District without the need for individual use permit applications. Other uses not on the defined list, including any that require outside storage, would require a separate use permit modification request. Any food markets, bakeries or other food-related businesses will be limited to 10% floor area for prepared food service, with no seating areas, since restaurant uses are not allowed in the CN District..

The CN (Commercial Neighborhood) District requires a Use Permit for the existing church and storage uses. No recent changes to the 400-412 Circle Drive building have taken place. Since the 2008 Notice of Violation, the former garage/auto repair building at 40 Sky Oaks Drive has been significantly improved, although without all required permits. Building permits cannot be issued until use permit approval is granted for the existing and new proposed tenant uses. The current request would recognize the 40 Sky Oaks Drive building construction, site plan changes to the property and resolve the October 2008 Notice of Violation.

2. Parking - Ordinance Section 18.110, Off-street Parking and Loading Facilities, requires the church use to have 14 spaces (one space/3.5 seats in the main sanctuary or 50/3.5 seats); combined with the 2,500 sq. ft. of vacant commercial space, a total of 24 spaces are currently required for the Circle Drive building. For the storage use, only 2 spaces are required at 40 Sky Oaks Drive (one space/1,000 sq. ft. storage area).

At maximum development, potentially 30 parking spaces are required by ordinance based on the approximately 7,600 sq. ft. floor area for 400-412 Circle Drive (one space/250 sq. ft. retail area); the 1,600 sq. ft. Sky Oaks building would require up to 6 spaces at 40 Sky Oaks Drive for new retail uses. The three proposed parking areas have 26 in front of 400-412 Circle Drive, 12 in the rear of that building and up to 6 spaces by at 40 Sky Oaks Drive which can accommodate up to 44 spaces total. Although the church will likely continue to remain at its present location, as described above, the church does not generate enough traffic on a daily basis to create any potential parking conflicts. Existing parking lots are adequate for the current church operation (14 spaces), the 2,500 sq. ft. vacant retail space (10 spaces) and storage area (2 spaces), a total of 26 spaces.

3. Landscaping/Screening - As shown on the site plan, new landscape improvements have been installed along Sky Oaks Drive property frontage, along the sides of the buildings and parking areas. The applicant's intent is to have the new trees and shrubs screen parking and potential outdoor storage areas. Recommended conditions of approval also require screening of all utility fixtures and new trash enclosure required by the Department of Environmental Management.

Consistency with Standards: All reviewing departments/agencies have found the project, as proposed and conditioned, to be consistent with their respective requirements and regulations.

1. Zoning - The project complies with all applicable CN (Commercial Neighborhood) District regulations.

2. Building/Fire Code - There is direct access to the buildings from College Avenue, Circle Drive and Sky Oaks Drive since there are no sidewalks. Pending as-built building permit applications for new tenant improvements will ensure compliance with applicable code requirements.

3. Public Works - Public Works finds the the project, as conditioned, complies with their requirements. Additional site improvements will

4. Environmental Management - A new septic system was installed to repair the existing septic system for 40 Sky Oaks Drive in 2009. At the time a new tenant occupies the 400-412 Circle Oaks building, the existing septic system may be upgraded as appropriate and determined by Environmental Management. Water service is provided by the Howell Mountain Mutual Water Company for both buildings.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Building Inspection / Code Enforcement Notices
- D . Fire Marshal Comments
- E . Public Works Comments
- F . Public Works - Groundwater Comment
- G . Building Inspection Comments
- H . Application Materials
- I . Graphics

Reviewed By: John McDowell