



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 12/16/2020

Agenda Placement: 7A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Brian Bordona for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Sean Trippi, Principal Planner - 299-1353

SUBJECT: Safe Harbor 3.0

RECOMMENDATION

SAFE HARBOR PARTNERS, LLC / SAFE HARBOR 3.0 / USE PERMIT # P18-00179-UP & TENTATIVE PARCEL MAP #P20-00217-PM

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would have potentially significant effects on Biological Resources unless mitigation measures are adopted. 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 for a new 850,000 gallon per year wine production, bottling and storage facility to allow the following: (a) construction of an approximately 50,612 sq. ft. building, with 8,796 sq. ft. of outdoor covered work areas, for production, storage, bottling and office areas; (b) construction of an approximately 16,858 sq. ft. building, with of 5,975 sq. ft. outdoor covered work areas, for storage; (c) on-site parking for 100 vehicles (the installation of 49 parking spaces will be deferred); (d) on-site process wastewater pre-treatment system; and (e) signage and landscape improvements. The proposal also includes a tentative parcel map to split the property into two lots, one on either side of Devlin Road which bisects the property. The proposed lot on the west side of Devlin Road would have 9.81 acres and the lot on the east side of the road would have 2.36 acres. This project is proposed on the west side of Devlin Road. The request also includes a variation to the development regulations of the Napa Valley Business Park Specific Plan to reduce the required 75-foot setback from Fagan Creek and the 65-foot building setback and 20-foot landscape setback along the north property line which are required when a property in the General Industrial zoned area adjoins a property in the Industrial Park zoned area. The creek setback would be reduced to a minimum of approximately 65-feet for portions of eight (8) parking spaces located between the two buildings and to a minimum of approximately 55-feet for a portion of a drive aisle that provides circulation and emergency vehicle access around the westerly (largest) of the two buildings. Additional encroachment into the creek setback area includes bio retention areas and two drainage outfalls into Fagan Creek. The building and landscape setbacks from the north property would be reduced to 32-feet and 5-feet, respectively. The project will connect to municipal water and sewer services provided by the City of American

Canyon and the Napa Sanitation District (NSD), respectively. The project is proposed on 12.17 acre site bisected by Devlin Road, north of Fagan Creek. The proposed development area is on the west side of Devlin Road. APN: 057-110-012. Napa.

Staff Recommendation: Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the Use Permit with the proposed conditions of approval.

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

Applicant : Alan Sullivan, Safe Harbor Partners, LLC (415) 845-9504, or allansullivansafeharbor@comcast.net

Applicant Contact: Beth Painter, (707) 337-3385 or beth@bpnapa.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Safe Harbor 3.0 facility based on Findings 1-6 of Attachment A;
2. Approve Use Permit P18-00179, including a variation to development standards, based on Findings 7-14 of Attachment A and subject to the conditions of approval (Attachment B); and,
3. Approved Tentative Parcel Map P20-00217-PM, based on findings 15-21 of Attachment A and subject to the conditions of approval (Attachment B).

Discussion:

The project consists of a request to construct two buildings totaling 67,470 sq.ft. for a new wine production facility with an annual production capacity of 850,000. The building includes areas for wine production, storage, and office. No tours, tastings or marketing activities are proposed. The site plan shows parking consistent with Code requirements with installation of some of the parking spaces deferred. Wineries within the Napa Valley Business Park Specific Plan (NVBPSP) are not subject to the Winery Definition Ordinance, including but not limited to the 75% grape source requirements. The project is compatible in design and operation with other projects located in the NVBPSP area and staff supports grant of the use permit and tentative parcel map, subject to the recommended conditions of approval.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. According to the proposed Mitigated Negative Declaration, the proposed project would have potentially

significant effects on Biological Resources unless mitigation measures are adopted. In accordance with Section 15073 of the California Environmental Quality Act (CEQA) Guidelines, Napa County submitted the initial proposed IS/MND to the State Clearinghouse for a 30-day review period beginning on November 13, 2020 and running through December 15, 2020. In addition, Napa County circulated a Notice of Intent to adopt the initial proposed IS/MND to interested agencies and individuals. The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner/Applicant: Safe Harbor Partners, LLC, Alan Sullivan, 110 Rancheria Road, Kentfield CA, 94904

Representative: Beth Painter, 10 Canopy Lane, Napa CA 94558

Zoning: GI:AC (General Industrial: Airport Compatibility Combination)

General Plan Designation: Industrial

Use Permit Filed: May 11, 2018; **Resubmittals:** August 15, 2019, February 14, 2020, May 8, 2020; **Application Complete:** May 11, 2020

Tentative Parcel Map Filed: August 10, 2020; **Resubmittal:** October 14, 2020; **Application Complete:** October 30, 2020

Parcel Size: 12.17 acres

Proposed Building Size: Building A: 50,612 sq.ft. with 8,796 sq.ft. of outdoor covered work areas and Building B: 16,858 sq.ft. building, with of 5,975 sq.ft. outdoor covered work areas.

Proposed Production Capacity: 850,000 gallons per year

Number of Employees: The facility is expected to employ up to 25 full and/or part-time employees.

Proposed Visitation: None proposed

Proposed Marketing Program: None proposed

Hours of Operation: Seven days a week from 6:00 AM to 6:00 PM.

Proposed Parking: On-site parking for 100 vehicles (the installation of 49 parking spaces will be deferred).

Airport Compatibility: The majority of the project site, including the proposed development area, is located within Zone D of the compatibility plan which is an area of common overflight and moderate risk. The proposed use of the building is highly compatible with the risk and noise impacts associated with properties within Zone D. There should also be no more than 100 people per acre inside structures and no more than 150 people per acre inside and outside. All aspects of the development have been designed to comply with these limitations. A small portion of the property is located within Zone B of the compatibility plan which is an area of high noise levels and low overflights below 100-feet.

Adjacent Zoning / Land Use:

North of the project site is a large warehouse building with approximately 380,000 sq.ft. of floor area. The building

is approximately 60-feet from the project site. A railroad spur line runs between the building and the project site from the west to approximately the middle of the building. Between the spur line and the project site is an access road along the rear of the building. To the south, are two properties totaling 13.25 acres. One property is approved for material storage and the other property is a trucking facility (based on aerial imagery). West of the site is an 8.3 acre property that also appears to be a trucking facility. Beyond that site is the Napa County Airport. There are industrial uses to the southeast, including a masonry product manufacturing facility. The property to the east includes warehousing and outdoor material storage. Northeast of the site is undeveloped land and northwest is additional warehouse development.

North: IP:AC - Adjoining the project site to the north, on the west side of Devlin Road, is an existing 380,000 sq.ft. building on a 17.35 acre site and a 15.7 acre site with an existing building with approximately 150,000 sq.ft. On the east side of Devlin Road are two lots with about 5 acres each. The two lots are part of a larger subdivision with a total of 11 lots of roughly 5 acres each. All lots are undeveloped.

South: GI:AC - Adjoining the project site to the south is what appears to be a trucking facility on a 9.65 acre site and a material storage site on a 3.6 acre property.

West: GI:AC - Adjoining the project site to the east is an 8.32 that also appears to be a trucking facility with the airport beyond.

East: IP:AC - Immediately east is an 8.37 site with a small warehouse and outdoor storage. To the southeast is a 14.26 acre property home to Cultured Stone.

Parcel History/Setting:

The site is long and narrow and is relatively flat, except for the banks of Fagan Creek, an intermittent creek that traverses the site from east to west, with gentle slopes ranging from 0-5 percent. Grade elevations on the site range from approximately 45 to 60 feet above mean sea level, sloping east to west. The extension of Devlin Road through the property, including a bridge over Fagan Creek, was completed in March 2020. The majority of the site on the west side of the Devlin Road extension is currently vacant. There is a small residence, detached garage and shed on the east side of Devlin Road located near the east property line. Access to the home has historically been provided from State Route 29 through an intervening property. As part of the Devlin Road extension, curb cuts were provide to the property on both sides of the road north of the bridge over the creek. Fagan Creek is located mostly on the southern boundary of the proposed development area on the west side of Devlin Road, but a small portion of the property lies on the south of the creek. The project is proposed on the north side of the creek. The majority of the site is dominated by ruderal grasses with a smattering of bushes and riparian areas along the creek.

Code Compliance History:

There are no open or pending code violations for the subject site.

Wineries in Vicinity:

Attachment H provides of list of wineries/production facilities operating, approved to operate, or pursuing approvals to operate within the NVBPSP Area.

Discussion Points:

1. Building Design, Layout & Materials – Exterior building materials for both buildings include pre-fabricated rib formed concrete wall panels with a multi-color paint scheme and multiple score lines/reveals, storefront glazing systems, pre-finished metal roof panels, standing seam metal awnings, cupolas with glazing and vents, truck

loading docks, grade level roll-up doors, and metal man-doors. Both buildings also include covered outdoor work areas/crush pad in front of the loading docks. The overall design is equivalent to other similar more recent industrial projects approved and/or constructed within the NVBPSP boundaries, and meets the minimum design requirements for the NVBPSP industrial park area.

2. Access - Access to the building is proposed from a new driveway on Devlin Road. As mentioned above (Parcel History/Setting) curb cuts were installed on both sides of Devlin Road during construction of the Devlin Road extension that bisected the property. On-site drive aisles are designed to County standards and wrap around both buildings providing Fire Department and emergency vehicle access to all areas of the buildings. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable as conditioned.

3. Parking - The NVBPSP requires one parking space per 1,000 sq.ft. for the first 20,000 sq.ft. of floor area and one parking space per 2,000 sq.ft. of floor area thereafter for storage/warehousing use. The Specific Plan also requires one parking space per 250 sq.ft. of floor area for office areas and one space per 500 sq.ft. of floor area for manufacturing areas. Based on the preliminary floor plan of the proposed buildings, which includes approximately 39,125 sq.ft. of warehouse floor area, 6,708 sq.ft. of office floor area, and 21,637 sq.ft. of production/bottling floor area, 100 parking spaces are required. The site plan includes 100 parking spaces including 49 deferred parking spaces consistent with Code requirements and more than adequate to accommodate the expected 25 full and part time employees.

4. Building Setbacks/Landscaping - The NVBPSP requires a minimum building setback of 20-feet (landscaped) from Devlin Road. Building B, the nearest to Devlin Road, is setback a minimum of 45-feet with a minimum 20-feet of landscaping. There are generally no required side or rear yard setbacks unless the site adjoins property in the Industrial Park (IP) zoning district, as is the case here. Where a property in the General Industrial (GI) area adjoins a property in the IP area, a 65-foot building setback is required with 20-feet of landscaping. The property to the north of the project site is zoned IP. In addition to road and property line setbacks, the required setback from Fagan Creek is 75-feet, discussed below. The applicant is requesting a variation to the development regulations of the Specific Plan to reduce the required 65-foot building setback and 20-foot landscape setback along the north property line to 32-feet and 5-feet, respectively. The property to the north is developed with large warehouse/distribution facility. The building is approximately 950-feet long and setback 65-feet from the shared property line. Between the building and the project site is a railroad spur line and a 15-foot wide paved access road that lies within a 20-foot wide sewer easement that runs parallel to the shared property line. The closest the two buildings could be if both buildings were constructed at the minimum setbacks and outside the sewer line easement would be 85-feet. However, the distance between the existing building to the north and the Safe Harbor buildings as proposed would be 92-feet. The reduced setback would also shift development further away from the creek. Based on site constraints, including Fagan Creek, staff believes the findings can be met in support of the requested variation to the development regulations (see Attachment A).

5. Fagan Creek - Fagan Creek traverses the site from east to west and is located on the southern boundary of the proposed development area on the west side of Devlin Road. A small portion of the property lies south of the creek. The request includes a variation to the development regulations of the Specific Plan to reduce the required 75-foot setback from the top of the bank of Fagan Creek. The creek setback would be reduced to a minimum of approximately 65-feet for portions of eight (8) parking spaces located between the two buildings and to a minimum of approximately 55-feet for a portion of a drive aisle that provides circulation and emergency vehicle access around the westerly (largest) of the two buildings. The total area of these minor encroachments is 3,923 sq.ft. (0.09 acres.) In addition, approximately 12,249 sq.ft. (0.28 acres) of bioretention areas would be located within the 75-foot setback area. No riparian habitat would be removed or affected by the two minor encroachments and bioretention areas. However, the project biologist recommends preserving the area on the south side of Fagan Creek, outside the 75-foot creek setback, to compensate for the minor encroachments into the creek setback on the north side of the creek (see Mitigation Measure BIO-1.) In addition, two drainage outfalls into Fagan Creek are

proposed as well which would affect approximately 699 sq.ft. of riparian vegetation. Construction of the outfalls would entail the removal of Himalayan blackberry and the removal of two arroyo willows, as well as, limbing up one black walnut tree and two red willows. The drainage outfalls would require review and approval by the California Department of Fish and Wildlife. Staff believes the findings can be met in support of the requested variation to the development regulations (see Attachment A).

6. Tentative Parcel Map - The proposal also includes a tentative parcel map to split the property into two lots, one on either side of Devlin Road which bisects the property. As noted above, the Devlin Road extension and bridge over Fagan Creek were completed in March 2020. The proposed lot on the west side of Devlin Road would have 9.81 acres and the lot on the east side of the road would have 2.36 acres. The proposed lots meet the minimum requirement for lot area (20,000 sq.ft.), width (100-foot) public street frontage.

7. Zoning and Winery Definition Ordinance (WDO) – The site of the proposed wine production facility zoned GI:AC (General Industrial: Airport Compatibility) District. The intent of the GI District is to accommodate and encourage general industrial development by providing visually contained areas where land use and environmental impacts can be minimized for industrial operations requiring relatively low land costs and reasonably good access. Agricultural processing facilities are conditionally permitted uses in the GI District. Because the proposed project would not operate within the County's AW (Agricultural Watershed) or AP (Agricultural Preserve) districts, the project is not subject to the roadway setback, grape sourcing, and other requirements of County Code Sections 18.104.200 through 18.104.250 (WDO).

8. Public Utilities - Water services will be provided by the City of American Canyon and will be required to meet the City's Zero Water Footprint (ZWF) Policy, which may include contributing to the City's water conservation fund. Sewer services will be provided by Napa Sanitation District (NSD). Both agencies have indicated that there is capacity to serve the proposed project and have issued new will-serve letters.

9. Greenhouse Gas Reduction Strategies - The County requires project applicants to consider methods to reduce Green House (GHG) emissions consistent with the Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects, which is attached to this report as Attachment D. The applicant intends to implement the following GHG reduction methods at the winery: generation of on-site renewable energy; habitat restoration/new vegetation; electric forklifts, build to CALGREEN Tier 1 standards; solar hot water heating; exceed Title 24 energy efficiency standards; energy conserving lighting; energy star/cool roofing; bicycle incentives; connection to recycled water; water efficient fixtures; low-impact development (LID); water efficient landscape; electric vehicle charging station installation; design to maximize daylighting of interior spaces; and, limited grading.

Decision Making Options:

As noted in the Executive Summary Section above, Staff is recommending approval of the project with conditions of approval as described in Option 1 below. Decision making options including the following:

Option 1 – Approve Applicant's Proposal with Project Specific Conditions of Approval

This option would result in approval of the proposed 850,000 gallon per year wine production facility. Staff recommends this option as the request is consistent with the Zoning Ordinance, Specific Plan, applicable General Plan policies, and other County regulations. Furthermore, this option has been analyzed for its environmental impacts, which were found to be less than significant as mitigated.

Action Required – Follow the proposed action listed in the Executive Summary.

Option 2 – Reduced Project Alternative

Discussion - Although development in the business park area generally does not lend itself to reduced project alternatives such as floor area reductions, and/or restrictions on the number of employees, hours of operation or business operations, this option would reduce the scope of the project via reduced production.

Action Required – Follow proposed action listed in Executive Summary and amend scope and project specific conditions of approval to place limits on development. If major revisions of the conditions of approval are required, item will need to be continued to a future date.

Option 3 – Deny Proposed Use Permit Modification

Discussion - In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit or consistency with the General Plan, Commissioners should articulate what aspect(s) of the project is in conflict with required findings or General Plan, and either deny the request or continue the item to allow the applicant an opportunity to redesign the project.

Action Required – Commission should articulate the aspect(s) of the project in conflict with required findings or General Plan and either take action to deny the project or, if needed, remand the matter to staff for preparation of required findings to return to the Commission on specified date.

Option 4 - Continuance Option

Discussion - The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Initial Study/Mitigated Negative Declaration
- D . Use Permit Application Packet
- E . Tentative Parcel Map Application Packet
- F . Biological Evaluation
- G . Graphics
- H . Napa valley Business Park Wineries

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona