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Agenda Date: 12/17/2008

Agenda Placement: 9D

## Napa County Planning Commission Board Agenda Letter

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**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

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### **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 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 a future 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 southwest corner of Airport Boulevard and the Devlin Road terminus within an Industrial Park: Airport Compatibility (IP:AC) zoning district. APN: 057-090-069. American Canyon.

**Staff Recommendation:** Adopt Addendum to previous EIR and approve the use permit and tentative parcel map with the proposed conditions of approval.

**Staff Contact:** Sean Trippi 299-1353 or [strippi@co.napa.ca.us](mailto:strippi@co.napa.ca.us)

## **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 (attached) and based on findings 1-2 of Exhibit A (attached);
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 approved the Tentative Parcel Map #P08-00131 based on findings 8-14 of Exhibit A and subject to the conditions of approval.

### **Discussion:**

This project consists of a speculative warehouse and light manufacturing industrial building with ancillary office areas compatible in design and character with other projects that have located in the Airport Industrial Area. Prospective tenants are unknown at this time, but it is anticipated that wine and winery-related uses will likely comprise the majority of tenants. The proposal also includes a tentative parcel map to create two parcels, the extension of Devlin Road, including a grade separated rail crossing, and a new public road providing secondary access to the Napa County Airport. The project site is located within the area where that will be annexed into the City of American Canyon along with properties to the east. The project is fairly standard with no known design or land use issues.

## **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, making CEQA Findings of Fact and Rationales, a Statement of Overriding Considerations, and a Mitigation, Monitoring and Reporting Plan for the Beringer project. 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 Beringer project was never developed and the use permit approval expired. The proposed project would occur in substantially the same location, involve similar land uses and have similar (albeit less) impacts as evaluated in the Beringer FEIR. The Planning Commission and Board of Supervisors resolutions, attached, included a summary of the potential impacts, findings, and statements of overriding considerations. 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.

State CEQA Guidelines Sections 15162 and 15163 set forth the criteria for determining whether a subsequent EIR or supplemental EIR may be prepared in support of further agency action on the project. The criteria to determine whether a subsequent or supplemental EIR should be prepared are outlined in the Initial Study in the attached addendum.

In determining whether an Addendum is the appropriate document to analyze the modifications to the project and its approval, State CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states:

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

As demonstrated in the Initial Study check list provided in the attached Addendum, 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. In addition, potential impacts to traffic and biological resources were reviewed and updated studies were prepared and are attached to this report. The reports concluded that the proposed project would result in no new impacts that were not previously discussed in the certified EIR and the previous mitigation measures adequately address the potential impacts. Comment letters were received from the California Department of Fish and Game and the California Department of Transportation. The updated traffic impact analysis and biological analysis address both agencies concerns.

## **BACKGROUND AND DISCUSSION**

Owner/Applicant: Headwaters Construction, Inc. (Douglas Pope)

General Plan Designation: Industrial - Airport Industrial Area Specific Plan, Industrial Park designation

Zoning: IP:AC - Industrial Park, Airport Compatibility Combination District

Filed: the use permit and tentative parcel map were initially filed June 11, 2007 and January 28, 2008, respectively. Received revised drawings showing the grade separated rail crossing in August 1, 2008.

Building Size: 646,734 square feet (approx 634,734 sq.ft. of warehouse and 12,000 sq. ft. of office).

Building Use: Speculative warehouse/distribution/light industrial with ancillary office.

Number of Employees: Unknown but estimated to be between 100 and 300 full and part time, over 3 shifts.

Hours of Operation: Expected to be 24 hours a day, 7 days a week.

Parking: 376 to 380 parking spaces are shown on the Architectural and Civil drawings, respectively; 375 required by Code based on 12,000 sq. ft. of the floor area used for office purposes and 634,734 sq. ft. of warehousing. Given the projected employee numbers listed above, the parking as proposed should be adequate. Future building tenancy will be reviewed by the Planning Department prior to occupancy to ensure that there is sufficient parking for the facility as a whole.

Airport Compatibility: Zone D - Common Traffic Zone - area of routine overflight at low elevations. Warehousing and light industrial uses are highly compatible with this zone.

Adjacent Zoning / Land Use:

The lot adjoins the Napa County Airport to the north, the California Northern railroad tracks to the east, and vacant industrial land to the east and south.

North: Industrial, Airport Combination District (I:AC) - Napa County Airport.

South: within American Canyon city limits - The area to the immediately to the south is vacant industrial land, beyond that are several warehousing/light industrial uses.

West: Industrial Park, Airport Combination District (IP:AC) - Vacant industrial land and the the airport runway safety zone .

East: Industrial Park, Airport Combination District (IP:AC) - Across the railroad tracks is vacant industrial land. The County is currently processing a use permit application for an approximate 279,000 square foot warehouse/light industrial building and associated improvements. Four buildings between the proposed warehouse and State Highway 29 totaling 170,950 square feet were approved in April of this year.

Property History:

Use Permit 98597-UP and associated land use entitlements were approved by Napa County in December, 2001. County approvals authorized the construction of a 36,000,000 gallon per year winery within a 1,424,400 square foot multi-building/ facility on the eastern portion of the 218-acre site, generally parallel to the existing railroad tracks. The western portion of the site would have been used for vineyards, wastewater treatment ponds to accommodate effluent generated by on-site wine production operations, and wetland preservation areas.

Approved land uses and activities included 1,167,590 square feet of floor space for wine storage and warehousing, 60,000 square feet of office space and 196,810 square feet for wine production, including grape crushing, blending, bottling and associated activities. A total of 350 on-site surface parking spaces, truck and rail loading docks were included in the project. At buildout, the facility would have had 232 full-time and 30 part-time employees. The site plan previously approved for the Beringer project is attached.

The Planning Commission approval was subsequently appealed. The Board of Supervisors denied the appeal, upholding the Planning Commission approval and recertifying the project EIR. The action was subsequently litigated and the court found the EIR to be adequate and validated County approvals.

January 11, 2005 - The Conservation, Development and Planning Department Zoning Administrator approved a Use Permit Modification (#03344-MOD) clarifying several conditions of approval and revising timing mechanisms for their completion.

Code Compliance History: Based on a review of Department files, there are no records of code compliance issues on the property.

Discussion:

1. City of American Canyon Boundaries - The City of American Canyon is the water and sewer provider for the property. The City and County have been engaged in discussions concerning establishment of an ultimate City boundary. Processing of this application was delayed while the negotiations occurred. An agreement has been reached wherein this property will annex to the City of American Canyon in the near future. As part of the agreement, the County has agreed to add conditions of approval to address city concerns. These conditions are referenced in Public Works conditions and are included as an attachment. As such, the City issued a "will serve" letter for the provision of water and sewer, which has allowed the County to complete processing the application.
2. Street Improvements - Devlin Road will be extended from its current terminus at South Kelly Road to provide access to the property. A portion of the extension of Devlin Road was approved as part of the proposed development on the east side of the railroad tracks. This applicant would extend Devlin Road to the project site, including a grade separated rail crossing. Devlin Road would then terminate just beyond the southwest corner of the building where it would be extended to Green Island Road in the future when property, within the American Canyon city limits, south of the project site develops. Two roads internal to the site, identified as Middleton Way and Headwaters Road on the site plan, would extend north from Devlin Road. Access to the site would be provided from one new driveway on Middleton Way and two new driveways on Headwaters Road. As part of the agreement between the County and the City of American Canyon mentioned in item #1, above, a public road with a 56-foot wide right-of-way is called for that would provide secondary access to the airport. Middleton Way would be extended to the west if future development is proposed on the remainder of the site, although no development of the western portion of the property is proposed at this time.
3. Rail Crossing - As mentioned above, a grade separated crossing of the railroad tracks is proposed with this application. An at grade crossing was originally proposed and would be preferred by the County. However, the California Northern Railroad Company, holder of the license for use of the tracks, would only grant a revocable license, renewable at 10-year increments, for an at grade crossing of the tracks. Such an agreement would not provide full, permanent public access. Subsequently, the site plan was revised to show a grade separated crossing which is the only option that would allow Devlin to be a public street crossing at the tracks. Additional soil will be imported from nearby airport property to construct the elevated crossing. The initial study analyzed the potential impacts of importing fill materials including the associated truck trips and a temporary rail crossing needed to import the fill from the airport and found them less than significant. A diagram showing the location of the fill materials and the haul route is attached to this report.
4. Building design, layout & materials - Exterior building materials include 35-foot high textured concrete tilt-up wall panels with glass storefronts for the office areas, at grade roll-up doors and man doors, depressed truck docks, and rail access. The building is rectangular with 10,000 square feet of office area located in the center of the building at the west facing elevation and two 1,000 square foot office areas at the north and south west corners of the building. A raised parapet is provided at the three office areas as well as at asymmetrical intervals between the central and corner offices. The office areas include a cornice treatment at the raised parapet, decorative light fixtures, and architectural wall panels. The front (west) building elevation also includes a number of at grade roll-up and man doors and depressed loading docks.

The rear (east) building elevation includes roll-up and man doors designed for access by rail from a proposed spur line. Shipping and receiving goods by rail will significantly reduce truck trips. The roll-up doors are parallel to the railroad tracks and will be screened by existing and proposed buildings and new on-site landscaping. The rear elevation also includes a raised parapet at regular intervals (generally every two roll-up doors) to break up the long continuous roofline.

The Planning Commission does perform a design review function for development within the boundaries of the Airport Industrial Area Specific Plan, and staff is recommending that the Commission approve the project architecture as submitted.

5. Parking - The building is designed and intended to be used as a warehouse/distribution center. Based on the floor plan a total of 375 parking spaces are required with 12,000 sq. ft. of the floor area used for office purposes and 634,734 sq. ft. of warehousing/distribution. The site plan includes 376 on-site parking spaces. Given the projected employee numbers listed above, the parking as proposed should be adequate. Future building tenancy will be reviewed by the Planning Department prior to occupancy to ensure that there is sufficient parking for the facility as a whole.

As noted above, prior to occupancy each prospective tenant will be reviewed by Planning staff for consistency with AIASP regulations, the number of parking spaces allocated and the number of employees. This information would be submitted for each business prior to initial occupancy and as tenant spaces turnover.

6. Landscaping - The AIASP requires a minimum 40-foot building setback (on average) with a minimum of 25-feet of landscaping adjoining Devlin Road and Headwaters Road. The project generally meets or exceeds this requirement along both Street frontages. There is a detention basin proposed at the toe of slope where Devlin crosses over the railroad tracks, so the landscaping in this area is split with a portion adjoining Devlin and the rest at the front of the parking spaces on the south side of the building. A condition of approval is included to ensure that there is adequate planting area to provide a row of trees at street level on both sides of Devlin Road as it crosses over the railroad tracks as depicted on the landscape plans.

A minimum 10-foot landscape setback is required along the side and rear property lines. Landscaping along the interior side and rear property lines also meets or exceeds the requirement.

7. Screening - As noted above in discussion item, loading docks are proposed on the front and the rear of the building. The proposed landscaping along the front of the building will help screen the loading docks on the front of the building. A row of trees is also proposed between the rear of the building and the railroad tracks to screen possible views of the loading docks on the rear of the building. Existing and proposed development east of the railroad tracks will also aid in screening the loading docks as well.

8. Wetlands - As with the previously approved Beringer project, small wetland areas will be filled to construct the project, including the extension of Devlin Road. The Beringer project was going to establish an approximate 20-acre wetland preservation/enhancement area in the northwest portion of the site and along No-Name creek. An updated Biological Assessment for the current proposal indicated that approximately 37-acres of wetlands/riparian areas will be preserved and/or enhanced as part of this proposal.

#### 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 IP:AC (Industrial Park: Airport Compatibility) allows speculative industrial buildings with the approval of a use permit. Site layout, building design, coverage, and setbacks comply with all applicable Airport Industrial Area Specific Plan (AIASP) and zoning regulations. While future tenants generally will not be subject to

subsequent use permit reviews, future tenants will be reviewed by the Department for consistency with the AIASP prior to occupancy.

2. Building/Fire Code - The project has been designed to comply with all applicable building and fire codes. Access to the building is excellent. It is anticipated that the applicant will submit for building permits shortly after receiving approval.

3. Public Works - Public Works finds the the project, as conditioned, complies with industrial park development standards. An encroachment permit will be required for the construction of the new roads driveways. Public Works has included conditions regarding compliance with regulations addressing grading, drainage, stormwater control, erosion, access, and parking lot standards.

4. Environmental Management - Conditions are required that address businesses generating and/or storing hazardous materials, solid waste and recyclable materials.

5. Other Agencies - The project has a will-serve letter from the City of American Canyon regarding the provision of and connecting to municipal water and sewer services. The City of American Canyon has also prepared a water supply report which indicates that the city has available and reliable water supplies to serve the project.

#### **SUPPORTING DOCUMENTS**

- A . Exhibit A - Findings
- B . Conditions of Approval
- C . Review Agency Comments
- D . EIR Addendum
- E . Initial Study
- F . Initial Study Appendix - Biological Resources Assessment
- G . Initial Study Appendix - Traffic Assessment
- H . Mitigation Monitoring and Reporting Program
- I . Planning Commission Resolution No. 01-09
- J . Board of Supervisors Resolution No. 02-72
- K . Application Materials
- L . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell