



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 4/4/2018

Agenda Placement: 7A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Vincent Smith for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Charlene Gallina, SUPERVISING PLANNER - 299-1355

SUBJECT: Safeway Open Temporary Modular Suite

RECOMMENDATION

SILVERADO RESORT INVESTMENT GROUP / SAFEWAY OPEN - LAGARDERE SPORTS / USE PERMIT MODIFICATION NO. P17-00087-MOD & CONSERVATION REGULATION EXCEPTION

CEQA Status: Consideration and possible adoption of Categorical Exemptions pursuant to CEQA Guidelines Section 15303 (Categorical Exemption Class 3 - New Construction or Conversion of Small Structures), which exempts the construction and location of new small facilities or structures; and CEQA Guidelines Section 15304 (Categorical Exemption Class 4 Minor Alterations to Land), which exempts minor alterations to land including minor trenching where the surface is restored. The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Major Modification to the existing Silverado Resort & Spa Use Permit to authorize retention of a previously installed 1,600 square foot (40'X40') modular suite for a remaining period of three years from 2018 to 2020 to serve as an unoccupied modular suite except for event days during those three years. During the seven event days of the Safeway Open PGA Tournament held in October of each year, this modular suite would be used for assembly purposes within the building's capacity as a hospitality venue, subject annually to the County of Napa's Site Plan approval process. The request also includes an exception to the Napa County Conservation Regulations (County Code Chapter 18.108), in the form of a Use Permit, to allow this structure to encroach into the minimum required 55-foot stream setback from the top of bank of Milliken Creek – West Fork blue line stream (as defined in County Code Section 18.108.030). In November 2020, the modular suite would be removed and the area would be restored to its original condition, which consists of the planting of manicured grass as part of the 18th Hole. The proposed project is located on a 278.73-acre parcel, specifically between the 18th Hole of the North Golf Course and the cart path directly across from the cart staging area of the Clubhouse, within the Planned Development (PD) zoning district; 1600 Atlas Peak Drive, Napa, CA; APN: 060-010-001.

Staff Recommendation: Find the project Categorically Exempt and approve the requested Use Permit Modification and Conservation Regulation Exception as conditioned.

Staff Contact: Charlene Gallina, Supervising Planner; (707) 299-1355; charlene.gallina@countyofnapa.org

Applicant Contact: Matt McEvoy, Safeway Open PGA Tour in Napa Valley Assistant Tournament Director, (503) 748-9973; mmcevoy@lagardere-se.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Find the project Categorical Exempt from CEQA based on Finding 1 of Attachment A;
2. Approve an Exception to the Conservation Regulations in the form of a Use Permit based on Findings 2-8 of Attachment A, and subject to Conditions of Approval (Attachment B)
3. Approve Major Modification (P17-00087) based on Findings 9-13 of Attachment A and subject to the recommended Conditions of Approval (Attachment B).

Discussion:

The Silverado Resort & Spa Master Plan was originally approved as a Planned Development in the early 60's. In keeping with other entitlements from this period, the master development plan did not specify exact allowable land uses and square footage authorized. Numerous use permit modifications have occurred over the years to the facility's present configuration.

The request before the Planning Commission is a use permit modification and conservation regulation exception request to authorize retention of a previously installed 1,600 square foot (40'X40') modular suite for a remaining period of three years from 2018 to 2020 to serve as an unoccupied modular suite except for event days during those three years. During the seven event days of the Safeway Open PGA Tournament held in October of each year, this modular suite would be used for assembly purposes within the building's capacity as a hospitality venue, subject annually to the County of Napa's Site Plan approval process. The request also includes an exception to the Napa County Conservation Regulations (County Code Chapter 18.108), in the form of a Use Permit, in order to allow this structure to encroach into the minimum required 55-foot stream setback from the top of bank of Milliken Creek – West Fork blue line stream (as defined in County Code Section 18.108.030). In November 2020, the modular suite would be removed and the area would be restored to its original condition, which consists of the planting of manicured grass as part of the 18th Hole.

Staff believes that the necessary findings can be made to approve the use permit modification and the exception to the Conservation Regulations, and recommends approval of the request. No other exceptions to County standards are requested or are necessary for the proposed project.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

This project is Categorical Exempt from the provisions of CEQA, pursuant to Guidelines Section 15303 (Categorical Exemption Class 3 New Construction or Conversion of Small Structures), which exempts the construction of new small facilities or structures; and CEQA Guidelines Section 15304 (Categorical Exemption Class 4 Minor Alterations to Land), which exempts minor alterations to land including minor trenching where the surface is restored. Furthermore, there are no environmental sensitivities, scenic resources, hazardous waste sites, nor historic resources identified on the site, and no, cumulative impact associated with the location of this modular suite.

BACKGROUND AND DISCUSSION

Property Owner: Silverado Resort Investment Group, John Evans (707) 257-0200

Representative: Matt McEvoy, Assistant Tournament Director, (503) 748-9973; Lagardere Sports/Safeway Open; 5671 SW Arctic Drive, Beaverton, Oregon, 97005

Zoning District: Planned Development (PD) District

General Plan Designation: Urban Residential (UR) Designation

Application Filed: March 2, 2017

Revised: August 18, 2017 and November 30, 2017

Complete: January 25, 2018

Setback Requirements:

Required Stream Setback: 5-15 Percent Slope - 55 feet

Proposed Setback: Modular Suite is located within required setback approximately 25 feet; Requires Conservation Regulation Exception

Adjacent Land Uses:

North - PD/UR - Properties directly to the north includes resort condominiums and single family residential parcels.

South - PD/UR - Properties directly to the south includes resort condominiums and single family residential parcels.

West - PD/UR - Properties directly to the west includes resort condominiums and single family residential parcels.

East - PD/UR - Properties directly to the east includes townhomes/condominiums and single family residential parcels.

Property History:

The Silverado Resort & Spa Master Plan was originally approved as a Planned Development in the early 60's. In keeping with other entitlements from this period, the master development plan did not specify exact allowable land uses and square footage authorized. Numerous use permit modifications have occurred over the years to the facility's present configuration. The last modification to the Resort was approved on April 28, 2015 by the Director of Planning, Building and Environmental Services (PBES). This approval, Very Minor Modification P14-00332, authorized the conversion of an existing 1,324+/- square foot structure from offices to a sundries market with a 420+/- square foot covered outdoor patio area. No other changes were approved with this request nor an increase in the number employees. A conversion of the tennis courts near the Mansion Building for a spillover outdoor event

space was processed via a Building Permit B16-00517 and constructed in 2016.

Periodically over the years Golf Tournaments have been held at the Resort's Golf Course. More recently, the PGA Tour Tournament has been held at the Silverado Resort & Spa on the North Golf Course commencing in October 2014, and thereafter annually. The event is held the first week in October and is a charitable event held by the following sponsors: 2014-2015 Fry's Electronics Open/FedEx Cup and 2016-present - Safeway Open/Lagardere Sports. The event is open to Silverado Members and guests only on Monday and Tuesday, and open to the public Wednesday through Sunday. The event is processed by the PBES Department via Site Plan Approval subject to a public notice and through issuance of a Building, Fire, and Environmental Health Permits. Attendance is limited to 15,000 people. Tournament staging and set up commences approximately September 1st with material delivery at the end of August. Teardown and removal is to be completed by November 1st.

Code Compliance History:

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

Discussion Points:

Project Setting - The existing development on the property includes the Silverado Resort & Spa consisting of the Clubhouse, golf proshop and Grill restaurant/lounge, a cart staging area, the Mansion Building (Ballroom, Conference Rooms and Mansion Gardens) for meetings and events, two 18-hole golf courses and a driving range, the Silverado Market & Bakery, a resort pool, tennis facilities, and parking. The facility is directly accessed off Atlas Peak Road. The immediate vicinity is surrounded by existing condominiums that are used for short-term rentals to the Resort, as well, a permanent housing.

The proposed project is located on a 278.73-acre parcel. The existing 1,600 square foot modular suite is currently located between the 18th Hole of the North Golf Course and the cart path directly across from the cart staging area of the Clubhouse. The Milliken Creek - West Fork is located on the south side of the cart path for the 18th hole and meanders on the east side of the Clubhouse and Mansion Building to connect to Milliken Creek. There are various mature trees located around the 18th Hole, as well as, vegetation within and on the outer banks of the creek.

Project Proposal - During the teardown and removal of tournament staging and the modular suite on the 18th Hole in 2015, the applicant approached the County to request that the modular suite be stored on site for a period of 5 years. The County was also notified of the transition of the Tournament sponsors from Fry's to Safeway, and the execution of a purchase agreement for the modular suite which is utilized as an assembly building for VIPs offering seating and food/beverage services to its guests. The applicant requested that instead of removing this building, that the building remain on-site for a period of 5 years (2016-2020) in conjunction with the agreement for Safeway/Lagardere Sports to sponsor the PGA Tournament at the Resort.

At the time, staff concluded that a Use Permit Modification needed to be processed, as well as a Conservation Regulation Exception in the form of a Use Permit to maintain the building in place for the 5-year period. It should be noted that pending submittal of a Use Permit Application, the PBES Director authorized a temporary permit and application submittal extensions in 2016 and 2017 to allow the modular suite on the 18th Hole while staff was processing this application. During this period, the applicant was requested to completely vacate and shut down occupancy until a final decision was made by the Planning Commission, as well as, dismantle and remove all temporary water, sewer, and power connections from the structure. Because the proposed modular suite is located within the 100-year FEMA Flood Zone A, the applicant was also required to submit a Flood Event Action Plan for emergency removal during a flood event.

The request before the Planning Commission is the authorization of the modular suite for the remaining three years. In November 2020, the modular suite would be removed and the area would be restored to its original

condition, which consists of the planting of manicured grass as part of the 18th Hole. In review of this request and application submittal materials, staff has identified no concerns in authorizing this retention provided that the modular suite not be authorized for use during non-event periods, subject to conditions of approval. This requirement is to ensure that there will be no impact to water and sewer disposal facilities at the Resort. With respect to the being located in the 100-year Flood Zone A, Engineering has placed conditions on the project ensuring no impacts to the area. These requirements will be implemented within 30 days of Commission action and in conjunction with the submittal of a building permit for the modular suite to remain in place for the remaining three years.

Conservation Regulation Compliance – Napa County Code Section 18.108.025 General Provisions – Intermittent/Perennial Streams prohibits construction of main or accessory structures, earthmoving activity, grading or removal of vegetation or agricultural uses of land within the designated stream setback areas unless specifically authorized by the Commission through the granting of an exception in the form of a use permit subject to the Commission determining that the project meets certain required findings. The findings are geared toward limiting the extent of encroachments into creek setbacks and preserving and/or enhancing environmental resources elsewhere on the project site to off-set the allowed encroachment.

As proposed the modular suite is located approximately 25 feet within the required 55' setback for Milliken Creek – West Fork and the entire existing parcel is in a designated 100-year FEMA Flood Zone A. The area of disturbance would be entirely within the “ruff” area of the 18th Hole of the North Golf Course and would require minimal vegetation removal, limited to incidental manicure grass. While mature trees bound the location of the proposed modular suite, no trees would be removed nor would Riverine designated wetlands be disturbed, which are located within and around the outer banks of the Creek. Slopes in the vicinity of the project range from 5-15 percent. The project will not have an impact on the creek or the 100-year FEMA Flood Zone A due to required conditions of approval, as recommended by Engineering Services. In November 2020, the modular suite would be removed and the area would be restored to its original condition, which consists of the planting of manicured grass as part of the 18th Hole.

Use Permit Findings - County Code Section 18.108.040 allows landowners or leaseholders to request exceptions to the requirements of the County's Conservation Regulations in the form of a use permit application, which is subject to approval or denial by the Planning Commission. Pursuant to County Code Section 18.124.070, the Commission's decision to grant or deny a use permit must be based on findings that the use permit would not adversely affect public health, safety or welfare of the county, and that the request is consistent with the policies and standards of the county's General Plan. In addition, pursuant to County Code Section 18.108.040 the Commission's decision to grant or deny a Use Permit Exception to the Conservation Regulations, additional findings are necessary, including findings that the proposed project would complement natural landforms; require minimal grading, minimal removal of vegetation, and minimal disturbance to watercourses; and not result in significant adverse impacts to sensitive species or stormwater quality.

Public Comment - To date, there have been no public comment letters received.

Decision-making Options:

Upon consideration of any additional public comment and close of the public hearing, the Commission may take one of the following actions:

Option 1: Approve Applicant's Proposal (Staff Recommendation)

Disposition - This option would allow the proposed modular suite to encroach into the County's minimum required stream setback. The placement of the building would meet the California Building Code Standards, FEMA requirements, and other related County standards. No other exceptions nor variances to the County Standards are

requested or necessary.

Action Required - Follow the proposed action listed in the Executive Summary. If recommended condition(s) of approval are to be amended, identify the condition and specify the desired revision thereto.

Option 2: Redesign Alternative

Disposition - This option would require that the applicant relocate the modular suite to a new location that would completely avoid the stream setback and/or require removal and temporary placement in conjunction with the setup for the Safeway Open Golf Tournament. This option could be processed as a very minor modification and a building permit to move the building elsewhere near the 18th Hole or on the Resort property given no Conservation Regulation Exception would be required. However, the applicant would still be required to obtain site plan approval and a building permit for the Tournament set up of the modular suite.

Action Required - Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to revise the location of the modular suite and required conditions of approval. The item will need to be continued to a future date to complete CEQA review on the new location.

Option 3: Deny the Requested Use Permit

Disposition - Denial of the requested use permit would require the applicant to remove the existing modular suite within the required stream setback and restore the area back to its original state.

In the event the Commission determines that the project does not or cannot with conditions meet the required findings for grant of a use permit exception, the Commissioners should articulate what aspect or aspects of the project are in conflict with the required findings. State law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed use permit exception is not being approved. Based on the administrative records as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

Action Required - Commission would make a tentative action to deny the project and remand the matter to staff for preparation of required findings to return to the Commission at a future meeting date.

Option 4: Continuance Option

The Commission may continue an item to a future hearing date, at its discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . CEQA Memorandum
- D . Application Packet
- E . Graphics

Napa County Planning Commission: Approve

Reviewed By: Vincent Smith