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A Commitment to Service

Agenda Date: 5/6/2015

Agenda Placement: 9C

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: John McDowell, Deputy Planning Director - 299-1354

SUBJECT: The Wright Corner P14-00022-MOD

RECOMMENDATION

THE WRIGHT CORNER / THE WRIGHT CORNER INC. - USE PERMIT MAJOR MODIFICATION (#P14-00022-MOD)

CEQA Status: The proposed major modification project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Section 15303(c), Class 3, which exempts conversion of small structures including stores, offices and restaurants or similar commercial structures less than 2,500 sq. ft. in floor area. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Use Permit Modification to existing Use Permit U-348283 to allow conversion of a 1,448 square foot existing antique furniture store to allow: (a) 340 square foot Art Gallery (display and sale of art); (b) 788 square foot Bike Rental/Guided Tour Business and Luxury Car Excursion; (c) 331 square foot shared storage area for all three businesses; (d) sale of riding gear, pre-packaged food and convenience items; (e) employee bathrooms located in an adjacent existing structure; (f) construction of a ±24 square foot trash enclosure; (g) rehabilitate four pre-existing legal non-conforming parking spaces; (h) upgrade four additional existing parking spaces to meet current Napa County Road and Street Standards; (i) amend prior Public Works approval requiring on-site parking improvements; (j) remove prior Public Works requirement for public road widening, with concrete curb, gutters and sidewalks; and (k) allow a maximum of three marketing events annually with a maximum of 50 guests in attendance. A previously approve and existing adjacent 1,900 sq. ft. furniture store building will not be altered as a result of this request. The 2.35 acre project parcel is located on the corner of Old Sonoma Highway and Old Sonoma Road, 0.19 miles east of its intersection of Old Sonoma Road and State Highway 12/121 within a CL (Commercial Limited) zoning district: 4370 Old Sonoma Highway, Napa, (APN: 047-110-017)

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

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Applicant Contact: Kerry Smith; (707) 812-5006; TheWrightCorner@earthlink.net

CONTINUED FROM THE APRIL 1, 2015 REGULAR COMMISSION MEETING

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Find the project Categorically Exempt, as set forth in Finding 1 of Exhibit A; and
2. Approve the Use Permit Major Modification (P14-00022-MOD) based on Findings 2-6 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B).

Discussion:

The Wright Corner, also often called Wright's Corner, is an approved but inactive commercially zoned parcel in the Carneros region located at the southeast corner of Old Sonoma Road and Old Sonoma Highway. In the early 1980's a series of use permit entitlements were filed including a recreational vehicle storage lot (1980), an antique furniture store (1983), and a two-bedroom bed and breakfast (1984). Only the antique furniture store was exercised (or "used") and remains as a valid entitlement. The business was open for several years but has been closed for approximately the last 15 to 20 years. The site contains a partially complete single family home on the rear portion (east side) of the site, and the two buildings for the approved furniture use nearest the corner (northwest side). Prior to 2014, all of the existing buildings were in various states of disrepair, but the new property owners have made substantial upgrades over the last year, including complete reconstruction of the rear warehouse building.

The project before the Commission consists of a major modification to expand the allowed uses within the newly refurbished rear building by adding art display/sales and a tourist serving bicycle rental/touring staging area with tour service dispatch for two luxury cars. Prepackaged food and ancillary retail, such as cycling apparel, sunscreen, sunglasses, etc. would be offered as well. Staff is recommending approval of the project with conditions of approval. The additional uses, although triggering a major use permit modification under County Code, are minor in scale and result in no potential for impact to the site or surrounding area. A previously approve and existing adjacent 1,900 sq. ft. furniture store building will not be altered as a result of this request. Staff is also recommending updating prior conditions of approval to remove the requirement for pavement widening, curb, gutter and sidewalk along both public right of way frontages. In the 1970's and 1980's, some commercially zoned properties were conditioned to install urban style street improvements. Under current Zoning, General Plan, and County Road and Street Standards, commercial areas outside of urban zones are no longer subject to installation of urban improvements.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

The proposed major modification project is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303(c), Class 3, which exempts conversion of small structures including stores, motels, offices and restaurants or similar commercial structures less than 2,500 sq. ft. in floor area. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

The project consists of minor changes in tenancy to an existing 1,490 sq. ft. building and minor site improvements at a previously approved commercial use on a commercially zoned property that has been graded and disturbed. Although both the main furniture store and the subject rear warehouse/shop building have not been occupied for many years, the original use permit remains valid and occupancy of the commercial structures have never been relinquished. Over the last year the property owner has refurbished the main furniture building and reconstructed the subject warehouse/shop building. That work was performed under ministerial building permits within the scope of the previously exercised use permit. In the event this use permit modification is not approved or implemented if approved, then the currently entitled and existing furniture warehouse/shop use will continue. The project results in no potential for significant environmental effects.

BACKGROUND AND DISCUSSION

Owner/Applicant: The Wright Corner Inc., 4370 Old Sonoma Highway, Napa, CA 94559

Applicant's Representative : Kerry Smith, (707) 812-5006

Zoning District : Commercial Limited (CL)

General Plan Designation : Agriculture, Watershed, & Open Space (AWOS)

Filed : February 5, 2014 **Complete:** March 5, 2015

Parcel Size : 2 acres

Existing Entitlement:

Use Permit U-348283 (May 4, 1983) - Furniture salesroom and workroom with ancillary residence.

- 2,000 sq. ft. (as approved, but 1,900 sq. ft. as existed) furniture sales building at corner of Old Sonoma Road and Old Sonoma Highway
- 1,490 sq. ft. warehouse and workshop building on Old Sonoma Road east of main building
- 8 parking spaces for furniture business
- 2,860 sq. ft. single family residence allowed as accessory use to furniture use (CL zoning allows accessory housing to a commercial use)
- 3 employees
- private well and engineered septic system

Proposed Modification:

- No changes to existing main furniture business building on corner (existing size is 1,900 sq. ft.)
- Conversion of existing rear building (existing size is 1,440 sq. ft.) to bicycle touring company business and art gallery/showroom with storage room
- Rehabilitate/reconfigure existing 8 parking spaces and upgrade to Americans with Disabilities Act standards

- No changes to approved ancillary residence
- 3 employees (recommend updating permit to reflect as a "less than 10 employee" business per current standard conditions of approval)
- No changes to approved private well and engineered septic system
- Add trash enclosure to meet current standards
- Remove previous outdated conditions of approval for street right-of-way dedication and improvement

Adjacent General Plan Designation/Zoning District/Land Use :

North: AWOS General Plan Designation, AW Zoning – rural residence with vineyard.

South: AWOS General Plan Designation, AW Zoning – rural residence with home located approximately 20 ft. from shared property line.

West: AWOS General Plan Designation, AW Zoning – farm management use.

East: AWOS General Plan Designation, AW Zoning - rural residence with vineyard.

Code Compliance History :

There are no open or pending code violations for the subject site. Prior to the current property owner's purchase, the site was not maintained and presented a nuisance to the general vicinity, but the current owner has made substantial improvements abating all previous substandard conditions.

Property History:

Unknown date - At some point significantly prior to the 1980's, possibly the 1930's, the property was developed with some form of country store with bar and grill, and a fuel pump island when Old Sonoma Highway still functioned as the main road between Napa and Sonoma (staff did not conduct extensive historical research).

1978 - Commercial zoning was recognized on this site and nearby commercial sites as part of the Carneros Area Rezoning in conjunction with the County 1975 General Plan Land Use Element.

1980 - The property owner applied for Use Permit U-188081 for a recreational vehicle storage lot but the application was not pursued to hearing.

May 4, 1983 - The County issued Use Permit U-348283 for an antique furniture business within the two buildings located closest to the corner of Old Sonoma Road and Old Sonoma Highway. For several years the store was in operation but it is unknown at what point the use ceased. It likely has been closed for approximately 20 years.

November 7, 1984 - The County issued Use Permit BB-118485 to convert the approved but not complete single family residence to allow 2 of the bedrooms to be used for a bed and breakfast use. Although construction commenced on the residence, worked stopped in the 1980's and it remains incomplete to date except that the new owners have made substantial progress nearing completion. The use permit for the bed and breakfast was terminated by the County on September 1, 1985 due to the failure of the property owner to pursue the project to completion in accordance with County Code (Section 12806) for Bed and Breakfast permits.

Discussion Points:Zoning and Use

Issue: Commercial Limited zoning occurs on land with an Agriculture, Watershed and Open Space (AWOS) General Plan designation. State law requires zoning to be consistent with the General Plan.

Regulation: To address the potential conflict of long existing commercially zoned properties within AWOS (and AR - Agricultural Resource) designated areas, the 2008 General Plan (and the prior 1983 General Plan) contains Agricultural and Land Use Element Policy AG/LU-45 which states that such commercially zoned properties are consistent with the AWOS designation as a result of their legal establishment in the 1975 County General Plan Land Use Element, and as such are permitted to continue to operate including establishment of additional commercial uses and mixed residential-commercial uses but only on those portions of the property that have commercial zoning.

Analysis: This proposal is fully consistent with Policy AG/LU-45. The proposed expansion in use, consisting of the bicycle rental use, the art sales, and the luxury car staging will occur within areas previously used for furniture storage and workshop use. The entire parcel contains commercial zoning, so there is no issue of commercial support facilities spilling out onto agriculturally-zoned land, such as a septic system or parking. All components of the development serving the commercial use are contained within the commercially zoned property. The three new use types are also consistent with the CL - Commercial Limited zoning district which provides for tourist and local serving retail and service uses.

Conclusion: The proposed uses are consistent with General Plan Policy AG/LU-45 and qualify for processing under Section 18.124.130.A (Use Permit Modifications - Procedure - Size Limitation) of County Code. The change in use from the approved use is minor in scale and is consistent with applicable zoning regulations.

Parking and Access Improvements

Issue: Adding uses to the existing use permit triggers reevaluation of the parking and site circulation. Improvements required with the 1983 furniture business use permit were never installed, which consisted of road widening and urban style curb, gutter and sidewalks.

Regulation: County Zoning Chapter 18.110 sets forth required number of parking spaces for certain types of commercial uses. In this case, two standards apply as follows: 1) retail stores, shops and service at 1 space per each 250 sq. ft.; 2) storage and warehousing at 1 space per 1,000 sq. ft.; and 2) the Planning Commission shall determine the number of parking spaces for uses not otherwise classified. County Road and Street Standards prescribe the design of on-site circulation and parking improvements as well as improvements required to the public right-of-way including road widening, installation of left turn lanes, and other public street circulation facilities. Section 18.110.040.A allows the Commission to set the maximum amount of parking at its discretion. Section 18.110.040.E allows the Commission to reduce parking when two or more uses share parking facilities.

Analysis: Strict application of parking standards without application of the shared use reduction provision stipulated in Section 18.110.040.E would dictate 8 parking spaces for the 1,900 sq. ft. furniture store (at 1 space to 250 sq. ft), 5 spaces for the bicycle and art gallery component (at 1 space to 250 sq. ft.) and less than 1 space for the storage area (at 1 space per 1,000 sq. ft.) for a total of 14 parking spaces. Fourteen spaces appears inconsistent with parking demand for the uses and application of the shared parking reduction provision is recommended. Staff believe the existing, reconfigured 8 parking spaces will provide ample parking for all uses. The County's general retail parking standard applies to a broad spectrum of retail uses. In this case, the types of retail uses are lower intensity compared with other forms of retail. Furniture and art gallery stores have a very low traffic and parking generation ratio to size of the showroom. It is anticipated the bicycle and luxury car touring patrons will arrive at the property in a variety of manner including private vehicle, hotel shuttle, taxi, and perhaps on foot from neighboring Carneros Lodge. It is expected that customers arriving in personal vehicles will be parties of two or more people. Hotel shuttles will likely not remain parked at the site while visitors participate in cycling/auto excursions. Eight parking spaces appears more than sufficient to meet the overall parking demand for the combined uses. In the event that parking is insufficient, there is ample area east of the building to install additional

parking. As conditioned, additional parking, if warranted, would be subject to future review and approval.

The 1983 furniture store use permit approval contained Public Works Department requirements requiring dedication and improvement of right-of-way along both street frontages. Also required was the installation of curb, gutter and sidewalk. Staff is recommending that these conditions of approval be amended to apply current County Road and Street Standards, thus eliminating the requirement to dedicate property and install curb, gutter and sidewalk. Last year, the applicant worked with Public Works' Traffic Division staff to reach an agreement on the final design of the parking area in front of the main 'furniture' building at the corner of Old Sonoma Road and Old Sonoma Highway. A portion of the public road at the intersection extends onto the existing private property, and in kind, a portion of the parking lot extends into the public right of way. This is an existing condition dating back to the days of the old gas station, country store, bar and grill. The applicant constructed minor improvements to this area to have driveway connections conform to current design standards to the extent possible. The existing driveway connections to the public road are closer to the intersection than what is currently allowed, but this is an existing condition governed by an existing use permit, and given the low traffic volumes present on Old Sonoma Highway, no nexus triggering closure of either of these driveways exists.

Conclusion: The project will have sufficient parking and appropriate circulation design to meet access needs, as conditioned.

Traffic Analysis

Issue: Traffic congestion on nearby State Route 12/121 is routinely reaching unacceptable levels of service during peak periods and is projected to worsen in the future.

Regulation: The County General Plan strives to maintain Level of Service (LOS) D or better on roadway segments throughout the County, and to not directly or indirectly cause LOS E or F to substantially worsen, although recognizing that regional growth beyond the County's control is projected to result in many County arterial roadways degrading to LOS F by 2030 if not sooner. The EIR adopted in support of the County General Plan indicates that overall growth in unincorporated areas will, over time, contribute significantly to these cumulatively considerable significant and unavoidable traffic impacts. EIR mitigation measures require the County to evaluate projects for their potential to contribute significantly to cumulative impacts, and to apply measures, where feasible, to reduce cumulatively considerable contributions.

Analysis: This project consists of replacing a furniture warehouse and workshop use with an art gallery, bike rental business, and dispatch for two luxury tour cars. This change in use will result in a nominal increase in trip generation from what is presently entitled, and a total of 34 daily trips for all existing and proposed uses on site (see application trip generation rate worksheet and attached supplemental traffic generation data). Presently, Old Sonoma Road and Old Sonoma Highway operate at Level of Service A. The addition of 34 trips during a standard business day, and assuming 20% of those trips (7 trips) occur within the peak hour based on retail uses, overall property traffic generation will not discernibly change traffic conditions. Seven trips in the peak hour is the equivalent to one trip every 8 minutes. Of these 34 daily trips, the new bike rental, art gallery and luxury tour car uses represent 12 of those trips if considered independently. Given the tourist serving nature of the use, it is anticipated that the majority of these trips would occur outside of the peak traffic congestion period which occurs on weekdays generally between 4 p.m. and 6:30 p.m. Weekend traffic associated with the use is not anticipated to be discernibly different than current conditions.

Conclusion: The project does not result in a substantial change to traffic over both existing and entitled conditions, and thus the project qualifies for the proposed Categorical Exemptions.

Water Use:

Issue: There have been concerns regarding the sustainable supply of ground water within the Carneros region. Nearby Carneros Lodge recently drilled a replacement well to address a multi-year period where water was being

trucked into the site from outside sources including the City of Napa.

Regulation: County Code Section 18.124.070.F states that the County shall not issue use permit or modification for a use relying on ground water if substantial evidence exists that the use will have a significant adverse affect on groundwater resources.

Analysis: Ground water needs for the proposed additional uses are quite minimal and have no potential to significantly affect groundwater resources. As set forth in the attached water availability analysis, the new uses will increase water demand for the subject property by 14,600 gallons annual, or .045 acre/feet. All uses on site would generate .896 acre/feet of annual ground water use. The proposed project represents a 5% increase in demand for ground water over the existing low demand water use.

Conclusion: The proposed project meets the ground water finding for grant of a use permit.

Historic Use

Issue: The original country store building at the corner may have qualified as a historic structure prior to 1980's conversion to the furniture store use.

Regulation: The State CEQA Guidelines stipulate that removal, relocation or substantial revision to a historic structure or structure "eligible for listing" on a local, State or Federal registry is a significant environmental impact.

Analysis: It is unclear from the record in the 1983 furniture store use permit if the original buildings qualified as historic structures at the time the original use permit was approved. The use permit contains a condition of approval merely suggesting that the historic character of the structures be maintained, but that permit contains no determination one way or the other as to the structure's eligibility for listing as an historic resource. Subsequent to that approval, the structures were substantially altered with the implementation of the original furniture store use, and there is no evidence suggesting that any of that work was performed in a manner consistent with the Secretary of the Interior's Standards for rehabilitation of historic structures. It appears that at the time the County did not consider the use to qualify as an historic structure. It is unknown now if the structure back then qualified as a historic structure, but if it did, any historic integrity that may have existed was lost in the 1980's rehabilitation. Consequently, the current project has no potential to affect historic resources.

Conclusion: Since historic resources on the site lost their integrity many years ago, not further analysis of historic resources is warranted and the project qualifies for both a Section 15301, Class 1, and Section 15303, Class 3 Categorical Exemptions under CEQA.

Public Comments:

Regulation: County Code requires notice be mailed to all property owners within 1,000 feet of the subject property and posted in local newspaper a minimum of 10 days in advance of the hearing.

Analysis: This project was in process well in advance of recent County implemented changes to noticing protocols. As such, the new administrative practice of sending courtesy notice at the commencement of application processing did not occur. The project was however subject to the new 1,000 ft. mailing radius requirement and noticing occurred on March 21, 2015, 25 days in advance of this hearing. As of the publishing of this staff report, no interested third parties have commented on the project.

Conclusion: The County has complied with all applicable public noticing requirements for this project.

Decision Making Options:

As noted in the Executive Summary Section above, Staff is recommendation approval of the project with conditions

of approvals as described in Option 1 below. Decision making options including the following:

Option 1 – Approve Applicant's Proposal

This option would result in conversion of the existing warehouse/shop building to a bicycle rental facility and art gallery increasing development intensity as note earlier in this report but does not result in any new construction or site improvements beyond what was previously entitled.

Action Required – Follow proposed action listed in Executive Summary. If conditions of approval are amended, specify conditions to be amended at time motion is made.

Option 2 – Reduced Development Alternative

This option would place a daily limit on the number of bicycle rentals and require rentals to occur on a by-prior-appointment basis. In addition, the luxury tour car dispatch component could be eliminated. However, based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence that suggests such limits on use of this commercially-zoned property are warranted. Limiting use as noted may impact viability of the businesses as proposed.

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

Option 3 – Deny Proposed Modification

In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit modification, Commissioners should articulate what aspect(s) of the project is in conflict with required findings, and either deny the request or continue the item to allow the applicant an opportunity to redesign the project. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence that suggests denial of the project is warranted.

Action Required – Commission would take tentative motion to deny project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

Continuance Option

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

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings for Approval
- B . Exhibit B - Proposed Conditions of Approval
- C . Prior Conditions of Approval
- D . CEQA Memorandum
- E . Application Part 1
- F . Application Part 2
- G . Water Analysis
- H . Site Photos
- I . Example Photos
- J . Sample Signs

K . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina