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Agenda Date: 6/1/2011
Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: RONALD GEE, PLANNER III - 707.253.4417
SUBJECT: Gateway Winery LLC / Tentative Parcel Map # P10-00363-PM

RECOMMENDATION

GATEWAY WINERY LLC - TENTATIVE PARCEL MAP # P10-00363-PM & USE PERMIT MINOR MODIFICATION # P11-00146-MOD

CEQA Status: On March 5, 2008, a Mitigated Negative Declaration (MND) was adopted for development of the site as part of Use Permit # P06-01532-UP. The proposed tentative parcel map and use permit time extension request are within the scope of the adopted MND; no further environmental review or amendment to this document is required. 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 Tentative Parcel Map to create three commercial condominium units 49,000 square feet, 73,261 square feet and 138,379 square feet in size with a Common Area parcel, Parcel A, on a site that is currently vacant but has been approved for a 261,000 square foot winery, warehouse and office development consisting of three buildings and supporting site improvements; and, approval of Use Permit Minor Modification # P11-00146-MOD to allow time extension of Use Permit # P06-01352-UP to match the concurrent tentative parcel map. The project is located on an approximately 11.06 acre parcel on the northwest corner of Technology Way and Morris Court in the I:AC and IP:AC (Industrial and Industrial Park:Airport Compatibility Combination) Zoning Districts. (Assessor's Parcel Number: 057-250-029) Napa

Staff Recommendation: Find the project within the scope of the adopted Mitigated Negative Declaration for the development, approve the Tentative Parcel Map and approve time extension of Use Permit #P06-01532-UP to coincide with Map with the recommended conditions of approval.

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

THIS APPLICATION WAS AUTOMATICALLY CONTINUED FROM THE COMMISSION'S MAY 18, 2011 REGULAR MEETING AS A RESULT OF THAT MEETING'S CANCELLATION.

EXECUTIVE SUMMARY**Proposed Action:**

That the Planning Commission:

1. Determine the project to be within the scope of the Mitigated Negative Declaration adopted for Use Permit # P06-01532-UP on March 5, 2008 and no further environmental review or amendment to this document is required;
2. Approve Tentative Parcel Map # P10-00363-PM based on Findings 2-8 of Exhibit A subject to the recommended Conditions of Approval in Exhibit B; and
3. Approve Use Permit Minor Modification # P11-00146-MOD to allow time extension of Use Permit # P06-01532-UP to coincide with expiration of the above Tentative Parcel Map based on Findings 9-13 of Exhibit A subject to the recommended Conditions of Approval in Exhibit B.

Discussion:

Public hearing for this item was continued from May 18, 2011 for legal noticing.

This application proposes creation of three commercial condominium units 49,000 square feet, 73,261 square feet and 138,379 square feet in size with a Common Area parcel, Parcel A, at the Gateway Winery, originally approved on March 5, 2008 as part of Use Permit # P06-01532-UP. The site is currently vacant but has been approved for a 261,000 square foot winery, warehouse and office development consisting of three buildings and supporting site improvements. The application includes a concurrent request for a time extension of the original use permit to match the expiration date of the tentative map. The subject property is located on an 11.06 acre parcel at the northwest corner of Technology Way and Morris Court.

The request does not alter any other aspect of the original winery/distillery/warehouse/office development. No increase in the number of wineries allowed on the property, annual production, physical changes to the three main structures, number of parking spaces, circulation areas or site design are included in this request. Staff has determined the request has no adverse environmental impacts and is consistent with all applicable Zoning standards. The proposed commercial condominiums are similar to other facilities in the Airport Industrial Area.

As such, staff recommends approval of the tentative parcel map and concurrent use permit time extension request as conditioned.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

An earlier Mitigated Negative Declaration (MND) was adopted for development of the site as part of Use Permit # P06-01532-UP on March 5, 2008. According to the MND, if mitigation measures for payment of affordable housing and traffic impact fees at the time of building permit issuance are not included, the proposed project would have potential environmental effects in the following areas: Housing/Population and Transportation/Traffic. Such

mitigation measures were imposed rendering those impacts less than significant.

Other than division of approved development space and a time extension of the previously granted entitlements, the proposal does not alter any environmental conclusion identified in the existing MND. No further environmental review or amendment to this document is required. Therefore, the proposed tentative parcel map and time extension request can both be determined to be within the scope of the adopted MND.

The project site is not on any of the the lists of hazardous waste sites enumerated under Government Code Section 65962.5

BACKGROUND AND DISCUSSION

Owner/Applicant: Gateway Winery LLC

Representative: Kevin Teague / Robert Anglin

General Plan Designation: Industrial, *Airport Industrial Area Specific Plan*

Zoning: I:AC and IP:AC (Industrial and Industrial Park:Airport Compatibility Combination) Districts

Filed: October 29, 2010

Completed: March 8, 2011

Winery/Distillery/Warehouse/Manufacturing/Office Square Feet: 261,000 square feet total - Building #1 (Parcel 3) - 49,000 square feet; Building #2 (Parcel 2) - 73,261 square feet; and Building #3 (Parcel 1) - 138,379 square feet).

Production Capacity: 600,000 gallons/year

Visitation: 200 visitors per week with 30 persons on the busiest day, appointment only

Marketing: 3 evening/weekend activities per month with a maximum of 250 persons; may include live music.

Number of Employees: 65 employees, two shifts

Days and Hours of Operation: 24 hours per day, 7 days per week

Parking: 227 on-site spaces

Parcel Size: 11.06 acres

Accessory/Production Ratio: meets standards

Winery Coverage: not applicable, located in Airport Industrial Area

Winery Road Setbacks: not applicable, located in Airport Industrial Area

Adjacent Zoning/Land Use:North:

IP:AC - Vacant (portion of approved Montalcino Resort & Golf Course site) - +/- 263 acres

South:

IP:AC - Warehousing & Vacant (2 parcels) - +/- 17.4 acres

East:

IP:AC - Vacant (2 parcels) - +/- 14.5 acres

West:

IP:AC - Vacant (2 parcels) - +/- 25.9 acres)

Property History:

On March 5, 2008, the Planning Commission approved Use Permit # P06-01532-UP, which allowed "a new winery/distillery with a combined maximum production capacity of 600,000 gallons per year and/or speculative warehousing/manufacturing/office uses, consisting of construction of three buildings totaling 261,000 square feet; new on-site parking for 227 vehicles; 65 full-time and part-time employees in two shifts; two new driveways on Morris Court and a new driveway on Technology Way; off-hauling of process waste water; 24-hour operation, 7-days per week; municipal water and sewer service provision by the City of American Canyon and Napa Sanitation District; tours and tasting by appointment only as detailed in permit conditions. No Building Permits have been issued for the project.

Code Compliance History:

Based on review of the County Planning and Building files, there have been no complaints and code compliance issues filed against this property.

Discussion:Tentative Parcel Map

The proposed creation of three commercial condominium units will separate the three approved winery/distillery/warehouse/office building areas for leasing and ownership purposes. The boundaries of the proposed condominium units correspond to the three building footprints shown as three parcels of the following size: Parcel 1 - 62,788 square feet; Parcel 2 - 31,086 square feet and Parcel 3 - 20,292 square feet. However, these figures will be amended since the three, two-story buildings include cantilevered sections and mezzanine areas that, when combined, total the 261,000 square feet building area approved as part of Use Permit # P06-01532-UP. The final condominium air-space/unit sizes are calculated and recorded after the structures are built. As defined in the earlier Use Permit, the Tentative Parcel Map would approve buildings/condominium units of the following size: Building #1 (Parcel 3) - 49,000 square feet; Building #2 (Parcel 2) - 73,261 square feet; and Building #3 (Parcel 1) - 138,379 square feet). A Common Area parcel, Parcel A, will include shared parking, circulation, site access, and open space area. The Tentative Parcel Map includes shared maintenance responsibilities for the existing habitat conservation and open space access, creek conservation, drainage and access easements by all three parcels, however, one existing common access easement that crosses the new Parcel 2 will be abandoned.

A February 3, 2011 City of American Canyon "Will-Serve" Letter Extension has been provided for the new units. The earlier Napa Sanitation District "Will-Serve" letter for Use Permit # P06-01352-UP remains valid.

This request does not include any other project-specific changes to the previously approved Use Permit # P06-01532-UP except for the time extension request discussed below. Separate tentative map application would be required if further subdivision of the individual condominiums is contemplated. No increase in land use and density will occur. Staff review has not identified any negative impacts associated with the commercial condominium request.

Time Extension

The proposed project includes a concurrent time extension request for Use Permit # P06-01532-UP to match the term of the new tentative parcel map. Application for the tentative map was submitted prior to use permit expiration. Congruent permit expiration dates would preclude and eliminate later confusion of both permit entitlements. The request is reasonable and as such, staff recommends approval of the modification. Approval of this time extension would extend the life of the Use Permit by two years for an expiration date of June 1, 2013.

Airport Land Use Compatibility

The property is located in both Zone B, Approach/Departure Zone, and Zone D, Common Traffic Pattern, of the *Napa County Airport Land Use Compatibility Plan*. This area is defined by the flight pattern of the Napa County Airport as an area that is routinely overflowed by aircraft operating to and from the airport with frequent single-event noise intrusion. Overflights can range from near the traffic pattern altitude (above 1,000 feet above the ground) to as low as 300 feet above the ground. Accident risk varies from low to moderate. No development is proposed within Zone B, where aircraft would be below 100 feet above ground level.

The project development area is located only within Zone D which allows the proposed development and uses. The project is a tentative parcel map only, a one-lot subdivision, and does not include physical development of the site. With creation of new lot lines for commercial condominium units, there are no issues with the map being recorded on the property relative to the airport.

As required in the earlier Use Permit Conditions of Approval and *Airport Land Use Compatibility Plan*, recordation of an Avigation Easement noting the property's location within Napa County Airport Influence Area will be required as part of the Final Map.

Consistency with Standards:

Zoning

The project is consistent with IP:AC (Industrial Park : Airport Compatibility Combination) zoning district regulations.

Fire Department Requirements

The Fire Department recommends approval. Their November 9, 2010 memo is attached.

Public Works Department Requirements

The Public Works Department recommends approval with conditions. Their November 23, 2010 memo is attached.

Environmental Management Department Requirements

The Environmental Management Department had no comments in their attached April 6, 2011 memo.

Sheriff's Department Requirements

The Sheriff's Department has reviewed this application and has no comments.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Use Permit P06-01532-UP Conditions of Approval
- D . Fire Marshal Comments
- E . Department of Environmental Management Comments
- F . Public Works Department Comments
- G . March 5, 2008 Mitigated Negative Declaration
- H . Application Materials
- I . Application Memo
- J . Utility "Will-Serve" Letters
- K . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell