



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 8/19/2009

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: RONALD GEE, PLANNER III - 707.253.4417
SUBJECT: CCBJ PROPERTIES / JEFF VENESS, USE PERMIT # P09-00002-UP

RECOMMENDATION

CCBJ PROPERTIES LLC COMMERCIAL BUILDING CONVERSION / JEFF VENESS - USE PERMIT # P09-00002-UP

CEQA Status: Class 3 Categorical Exemption ("New Construction or Conversion of Small Structures") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B. The project site is not on any of the the lists of hazardous waste sites enumerated under Government Code Section 65962.5

Request: Approval of a Use Permit to allow conversion of a former auto body repair shop to a dental laboratory and gift/novelty shop uses in an existing approximately 3,610 square foot building with up to 6 employees and 7 existing parking spaces. The project is located on an approximately 4.86 acre parcel located on the east side of Sky Oaks Drive at the southeast corner of College Avenue in the CN (Commercial Neighborhood) District. Assessor's Parcel Number: 024-163-010. 75 Sky Oaks Drive, Angwin

Staff Recommendation: Find the project is Categorically Exempt, Class 3 from environmental review under CEQA Guidelines Section 15303 and approve the Use Permit subject to recommended Conditions of Approval.

Staff Contact: Ronald Gee, 707-299-1351, or rgee@co.napa.ca.us

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission find the project is Categorically Exempt, Class 3 from environmental review under CEQA Guidelines Section 15303 based on Finding 1 of Exhibit A; and

2. That the Planning Commission approve Use Permit # P09-00002-UP based on findings 2-6 of Exhibit A and subject to the attached conditions of Exhibit B.

Discussion:

The Use Permit request would allow conversion of a former auto body repair shop to a dental laboratory and gift/novelty shop. The permit would recognize two existing tenants in an approximately 3,610 square foot commercial building with approximately 2,330 square feet of storage/workspace and 841 square feet of ancillary office space. Up to 6 employees would occupy the building during a single shift, Monday-Friday from 8:00 AM – 6:00 PM. Access would be provided from an existing driveway on Sky Oaks Drive property frontage. On-site parking for 7 spaces will be provided; additional, unmarked spaces are available in the 20-feet wide south side driveway. Perimeter, building frontage and side yard landscaping are included with the proposal. The project has an existing septic system and is connected to the Howell Mountain Mutual Water Company.

Staff Recommendation: Approve Use Permit # P09-00002-UP to recognize existing gift/novelty shop and dental laboratory use subject to recommended conditions of approval.

Contact: Ronald Gee, 707-253-4417, rgee@co.napa.ca.us

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Categorical Exemption Class 3: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances. [See Class 3 ("New Construction or Conversion of Small Structures") in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.] 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: CCJB Properties LLC / Jeff Veness

General Plan Designation: Agriculture, Watershed & Open Space, *2008 Napa County General Plan*

Zoning: CN (Commercial Neighborhood) District

Filed: The use permit was filed January 5, 2009 with additional information submitted on July 26, 2009.

Building Size: About 3,600 sq. ft. (one-story structure with approximately 2,330 sq. ft. storage/work space and 841 sq.ft. of ancillary office space).

Building Use: Existing specialty gift tray production (2,080 sq. ft.) and a dental laboratory (1,500 sq. ft.).

Number of Employees: Up to 6 employees in a single shift, from 8:00 AM - 6:00 PM, Monday - Friday

Parking: Seven parking spaces are shown with other unmarked spaces available in the 20 ft. wide south side driveway. A total of 2 parking spaces are required by Code based on 2,330 sq. ft. of the floor area used for storage/production and 3 spaces for 841 sq. ft. of office space with the current tenants; a total of 5 parking spaces are required by Ordinance.

Adjacent Zoning / Land Use:

<u>North:</u>	Residential (mix of SFD/MF)	RS:B-5	4.10 acres (.47, .57, 1.45, 1.15 and .47 acres)
<u>South:</u>	Residential (mix of SFD/MF)	RS:B-5	5.98 acres (.22, .24, .20, 4.28, .52 and .52 acres)
<u>East:</u>	Institutional/Residential (PUC)	PD:AH	16.87 acres
<u>West:</u>	Commercial (vacant)	CN	1.50 acres

Code Compliance / Zoning History:

In 1955, the property was zoned C-1 (Neighborhood Commercial) District. In 1985, the property was rezoned to CN (Commercial Neighborhood) District.

Assessor's records indicate the building was constructed for a garage and cabinet shop between 1946-1948. Since that time, the building has been occupied by a succession of legal and illegal commercial and industrial uses. The 1994 Certificate of Legal Nonconformity #93552-CLN (CLN) file contains letters from neighbors, without specific dates, that noted the following uses in the building: 1) manufacture of church furniture from 1950-1955; and 2) manufacture of terra cotta bricks and a store from 1955-1960. Building Inspection records show a beauty shop and tire business in 1969 and storage in 1974. From 1977-1994, an auto repair shop with related storage occurred.

The 1994 CNL determined that the auto repair use was not a legal nonconforming use since the C-1 District did not allow auto repair uses at the time the business was initiated in 1977; auto repair use was only allowed in the C-3 (General Commercial) District. In 1993, the CN District also did not allow auto repair use and the use was ordered to terminate. The property owner submitted Rezoning Application # 94063-RZG, to rezone the subject and two adjacent properties from CN (Commercial Neighborhood) to the GC (General Commercial) District but later withdrew it in January 1995. CN District uses were later amended to include automotive repair use and in May 2001, Use Permit #00125-UP was approved to allow an automotive repair and auto body repair facility within an existing building.

Since Use Permit issuance, however, there have been numerous complaints about the auto repair operation including lack of property maintenance, illegal outside storage and other nuisance-related issues. The auto repair operation ended in 2004 and the building has been used since then for office and storage space. The 22 ft. tall raised roof was added to the building around 1962 to accommodate auto lift equipment; a 2004 application for Building Permit #B04-00604 to raise the area around the roof was abandoned. Renewed complaints about the condition of the property were submitted in 2006.

The current Use Permit application is the result of a Code Enforcement referral on September 16, 2008 since building construction occurred without required permits. The building has been upgraded significantly; the building has been remodeled and painted, storage yard fencing and equipment were removed, new landscaping has been installed and exterior driveways have been resurfaced. The property has been occupied since remodeling work has been completed. Building Permit #B09-00525 is pending to allow ADA upgrades to an existing restroom to comply with Building Department requirements.

Discussion:

1. Proposal - The Use Permit application would allow conversion of the former auto repair/auto body repair building to recognize two existing tenants in an approximately 3,600 sq. ft., one-story structure with approximately 2,330 sq. ft. storage/work space and 841 sq.ft. of ancillary office space. The tenants are a specialty gift tray production, sales and distribution business (2,080 sq. ft.) and a dental laboratory (1,500 sq. ft.) uses. The "Tray Chic" company produces, takes orders for distribution and has on-site sales of custom trays; over 70% of this space is used to store trays and supplies. According to the applicant, the dental laboratory fabricates fixed or removable prosthetics for orthodontia and other corrective dental use; the facility supports local dentists and orthodontists. No hazardous waste is produced on-site. Up to 6 employees are proposed in a single shift, from 8:00 AM - 6:00 PM, Monday - Friday.

The CN (Commercial Neighborhood) District requires a Use Permit for the existing gift/novelty shop and dental laboratory uses. Building remodel and tenant improvements have significantly improved the building but took place without required permits. Building Permits cannot be issued until Use Permit approval is granted for the new tenant uses. The current request would recognize both the site plan changes to the property since the May 2001 auto repair Use Permit and the current tenant uses.

2. Parking - The development plan shows 7 on-site parking along Sky Oaks Drive building frontage. The applicant has proposed additional, unmarked parking spaces along the existing south side yard driveway. The proposed 7 parking spaces exceed the 5 spaces required by Code; 2 parking spaces are required based on 2,330 sq. ft. of the floor area used for storage/production and 3 spaces for 841 sq. ft. of office space.

3. Landscaping/Screening - Landscape improvements have been installed along Sky Oaks Drive property frontage, along the sides of the building and a new landscaped island has been installed on the southwest corner of the access driveway. There is no sidewalk along Sky Oaks Drive.

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 CN (Commercial Neighborhood) allows the proposed gift/novelty shop and dental laboratory uses with a Use Permit. The project site's 4.86 acre lot size exceeds the one-acre minimum lot size and the 22 feet building height of the existing structure is less than the maximum 35 feet building height. The project complies with all applicable CN (Commercial Neighborhood) District zoning regulations.

2. Building/Fire Code - There is direct access to the building from Sky Oaks Drive since there are no sidewalks. Pending as-built building permit applications will ensure compliance with applicable code requirements.

3. Public Works - Public Works finds the the project, as conditioned, complies with their requirements

4. Environmental Management - A new septic system was installed to repair the former cesspool on the site in 2004. Water service is provided by the Howell Mutual Water Company.

SUPPORTING DOCUMENTS

A . Exhibit A - Findings

B . Exhibit B - Conditions of Approval

C . Application

D . Graphics

Napa County Planning Commission: Approve

Reviewed By: Melissa Gray