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Agenda Date: 8/5/2009
Agenda Placement: 10A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: KIRSTY SHELTON, PLANNER III - 707 253 4417

SUBJECT: Napa – Vallejo Flea Market / Tom Harding; Harry Harding and Sons; Nelson Harding / One Year Status Report / Use Permit P06-01511UP

RECOMMENDATION

NAPA - VALLEJO FLEA MARKET / TOM HARDING; HARRY HARDING AND SONS; NELSON HARDING - ONE YEAR STATUS REPORT / USE PERMIT P06-01511-UP

CEQA Status: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

Request: One year use permit compliance review for the Napa-Vallejo Flea Market located on a 20.21+/- acre parcel on the east side of State Route 29 between Café Court, South Kelly Road and Case Court within the IP (Industrial Park) and GI (General Industrial) zoning districts (Assessor's Parcel Numbers: 057-420-004, -007, -032, -033, -039, -041, -059, and -061) in American Canyon.

Staff Recommendation: Conduct a one year use permit compliance review of the Napa-Vallejo Flea Market (Use Permit P06-01511-UP), and find project in substantial compliance with the conditions of approval.

Staff Contact: Kirsty Shelton (707) 299-1377, kshelton@co.napa.ca.us

EXECUTIVE SUMMARY

On May 6, 2008, the Board of Supervisors approved the issuance of Use Permit P06-01511 for the Napa-Vallejo Flea Market ("Flea Market"). The Flea Market is located on an approximately 20 acre parcel on South Kelly Road at State Route 29, within the Airport Industrial Area. The use permit authorized the continued operation of the Flea Market subject to certain conditions, and further legalized certain expansions the Flea Market had engaged in without having obtained necessary permits. Condition 2(d) of the use permit provides:

"After one-year of operation, Permittee shall meet with the County of Napa's CDCP, Fire Department, and Sheriff's Department, as well as the California Highway Patrol and City of American Fire Department. At the

meeting, the owner shall disclose to the listed agencies any operational issues that arose during the preceding year. A summary of this meeting and itemization of other issues shall be reviewed by the Planning Commission and Board of Supervisors as a status report within 30-days of such meeting."

Staff has met with the entities identified above to discuss the operational issues which have arisen over the last year, and the purpose of today is to provide the required summary of those meetings. In general, the Flea Market has operated in compliance with all terms of the use permit, and the listed agencies are satisfied with the Flea Market's operations.

The following report acts as a summary of the meetings and discussion of the conditions imposed as part of the Use Permit entitlement.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

In accordance with requirement of condition 2(d) of the use permit, the Flea Market has met and discussed the prior year's operation with the County Planning, Public Works, Environmental Management, Fire, and Sheriff's Department; California Highway Patrol; and City of American Canyon Fire Department. Set forth below is a summary of the results of those meetings.

1. Traffic and Circulation - The Sheriffs Department and CHP have not encountered any issues from implementation of the revised traffic and circulation plan. They referenced that the modifications are working to disperse traffic, and there appears to lack congestion on SR 29 as in previous years. Public Works reports that all required signage has been installed and are satisfied.
2. Law Enforcement - All law enforcement conditions are being complied with, and the Flea Market continues to contract for the provision of independent security guards and limit the consumption of alcohol on the premises.
3. Visual Aesthetics - The litter and debris which were of concern in prior years operation has been controlled. The Flea Market has installed additional garbage and recycling containers at the site per County direction, and engages personnel to hand pick up any residual litter that remains. The condition requiring visual screening of the site from views from SR 29 and Kelly Road has been satisfied by the staging of at least 76 large specimen box trees. While some of the trees appear to be in marginal health, the Flea Market is working in conjunction with Urban Tree Farm in an attempt to bring them into a healthy condition. The Flea Market is committed to following the tree care instructions recommended by Urban Tree Farm. With specific regard to the trees that look unhealthy/dying, they have confirmed that the trees are not dead and are actually starting to sprout new growth and have been assured by Urban Tree Farm that they will come around and succeed. While it does look like the trees in question are going to bounce back, they have confirmed that they are dedicated to replacing them if, in fact, they

do die. They do not plan to trim the trees in the coming year like this last spring. It is anticipated that the tree screening will be in a significantly improved condition by next spring.

In conclusion, staff recommends that the Planning Commission find that the Flea Market is in substantial compliance with the conditions of approval of the use permit.

SUPPORTING DOCUMENTS

- A . Conditions of Use Permit approval
- B . letter from operator

Napa County Planning Commission: Approve

Reviewed By: John McDowell