

**NAPA COUNTY**  
**CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION**  
**MINUTES**

**DECEMBER 16, 2009**

**1. CALL TO ORDER / ROLL CALL**

Meeting was called to order by Chair Bob Fiddaman  
Commissioners Phillips, Scott, Basayne, Pope, Fiddaman present.

**2. PLEDGE OF ALLEGIANCE**

Guy Kay led the salute to the flag.

**3. CITIZEN COMMENTS AND RECOMMENDATIONS (10 minutes)**

None.

**4. APPROVAL OF MINUTES**

Minutes for October 22, 2009 were approved as presented.  
HP-MB-TS-MP-BF

**5. DIRECTOR'S REPORT**

John McDowell gave the report.

- BOARD OF SUPERVISORS ACTIONS

- ▶ The BOS approved the Vacation Rental Ordinance with changes.
- ▶ The re-hearing of the Lake Luciana Golf Course is scheduled for the BOS meeting of January 25, 2010.

- OTHER DEPARTMENT ACTIVITIES

**6. AGENDA REVIEW**

John McDowell gave the review.

**7. DISCLOSURES**

Commissioners reported.

**8. PUBLIC HEARING ITEMS TO BE DECIDED WITHOUT ADDITIONAL TESTIMONY**

None.

**9. PUBLIC HEARING ITEMS**

**A NAPA COUNTY REGIONAL PARK & OPEN SPACE DISTRICT / JOHN & JUDY AHMANN – BERRYESSA PEAK TRAIL USE PERMIT # P09-00472-UP**

**CEQA Status:** Negative Declaration has been prepared. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. The project site is not on any of the the lists of hazardous waste sites enumerated under Government Code Section 65962.5

**Request:** Approval to allow construction and operation of an approximately 0.5-mile trail within a public right-of-way along the Blue Ridge, over Running Deer Ranch property,

and to provide a pedestrian link between existing public land managed by the Bureau of Land Management & Department of Fish and Game. The project is located at 11080 Berryessa-Knoxville Road, across three parcels, 160.00, 27.68 and 520.00 acres in size, approximately 2.5 miles east of the intersection at Berryessa-Knoxville Road and Eastside Road, within the AW (Agricultural Watershed) zoning district, (Assessor's Parcel Numbers: 015-250-006, 015-260-004 and -010) Napa.

**Staff Recommendation:** Adopt the Negative Declaration and approve the Use Permit with the recommended conditions of approval.

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

**(CONTINUED FROM THE DECEMBER 2, 2009 REGULAR MEETING)**

Commission voted to adopt the Negative Declaration for Use Permit # P09-00472-UP based on findings 1-6 of attached Exhibit A; and approve Use Permit # P06-00472-UP based on Use Permit and Outdoor Recreation findings 7-16 of attached Exhibit A - Draft Findings, and subject to attached Exhibit B - Draft Conditions of Approval.

TS-MP-HP-MB-BF

## **B. AFFORDABLE HOUSING AND INCENTIVES ORDINANCE - ZONING ORDINANCE TEXT AMENDMENT P09- 00501-ORD**

**CEQA Status:** The project is intended to implement some of the programs in the 2009 Housing Element Update and falls within the scope of the 2009 Housing Element Update adopted June 23, 2009 and the program-level Environmental Impact Report (EIR) prepared for the 2009 Housing Element Update certified on June 23, 2009 adequately describes the activity for the purposes of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15168(c); General Rule: It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

**Request:** The ordinance would reorganize existing County Code provisions regarding affordable housing and incentives for affordable housing development. Ordinance amendments would: 1) require that 20 percent of new single-family homes and 17 percent of condominiums and townhomes be affordable to moderate-income households; 2) require that moderate-income homes be built on site for developments with 5 or more for-sale units; 3) require payment of housing impact fees for rental housing developments; 4) allow alternative affordable housing proposals; 5) add application requirements for affordable housing; 6) modify housing trust fund procedures; 7) amend provisions for density bonuses and other incentives as required by State law; and 8) continue to require the payment of housing fees with respect to nonresidential development projects.

**Ordinance Title:** AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, REPEALING CHAPTERS 15.60 (AFFORDABLE HOUSING) AND CHAPTER 18.107 (RESIDENTIAL DENSITY BONUS AND INCENTIVES) OF THE NAPA COUNTY CODE AND ADDING CHAPTER 18.107 (AFFORDABLE HOUSING AND INCENTIVES) TO IMPLEMENT THE 2009 HOUSING ELEMENT UPDATE OF THE NAPA COUNTY GENERAL PLAN AND MAKING VARIOUS ADDITIONAL TECHNICAL CHANGES

**Staff Recommendation:** That the Planning Commission conduct a public hearing and forward a recommendation of approval to the Board of Supervisors.

**(CONTINUED FROM DECEMBER 2, 2009 REGULAR MEETING)**

Commission voted to:

1. A) Recommend to the Board of Supervisors that the proposed ordinance has been adequately addressed within the scope of the 2009 Housing Element Update Program Environmental Impact Report (EIR) certified on June 23, 2009; and B) that the Planning Commission recommends to the Board of Supervisors that the proposed ordinance also qualifies as statutorily exempt from the provisions of CEQA pursuant to Section 14

CCR 15061(b)(3), General Rule.

2. Recommend an amendment to the Ordinance that would require that the Ordinance go into effect at the same time that a new resolution establishing impact fees for residential housing is established.

3. Recommend to the Board of Supervisors that the proposed ordinance was found consistent with the Napa County General Plan, and that the Board of Supervisors adopt the proposed ordinance, with additional comments.

MP-MB-TS-HP-BF

**C. NAPA REDEVELOPMENT PARTNERS, LLC. / NAPA PIPE PROJECT - GENERAL PLAN AMENDMENT P07-00230.**

**PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT REPORT.**

**APN's: 046-400-030 & 046-412-005, 1025 Kaiser Road, Napa.**

**Summary:** This is a public hearing to receive comments regarding the Draft Environmental Impact Report (EIR) that has been prepared to analyze potential direct, indirect and cumulative environmental impacts as a result of the proposed Napa Pipe project. Concurrent with the Draft EIR, members of the public are invited to provide comments on the Developer's Comprehensive Development

Application, which contains a draft development plan, draft design guidelines, a proposed General Plan amendment, and proposed zoning amendments.

**CEQA Status:** Draft EIR has been prepared. The Draft EIR prepared for the project was released for public and agency review and comment beginning October 23, 2009. The first public hearing to receive comments was conducted by the Conservation, Development and Planning Commission on November 17, 2009. This is the second public hearing. The third hearing will be tonight at 6:00 PM at the Office of Education, 2121 Imola Avenue in Napa. The public comment period is currently scheduled to end at the close of business on January 21, 2010. Interested agencies, organizations, and members of the public are encouraged to submit written comments to planning staff prior to that date. All substantive comments on the Draft EIR must be responded to in a Final EIR before the Commission can consider the development application.

**Project Description:** The project applicant has proposed a General Plan amendment and phased development of a high density residential neighborhood with open space, neighborhood-serving retail and restaurants on the northern portion of the site (about 100 acres) and a business park with light industrial, R&D, warehousing, office space, public open space and a condominium hotel on the southern portion of the site (about 30 acres). The project is located on the west side of Kaiser Road southwest of its intersection with Syar Industrial Way within I:AC (Industrial: Airport Compatibility) zoning district. Assessor's Parcel Numbers: 046-100-030 & 046-412-005, 1025 Kaiser Road, Napa.

**Staff Recommendation:** Public hearing only. No action is requested.

Comments were received. No action taken.

**10. ADMINISTRATIVE ITEMS**

**A. ADOPTION OF 2010 PLANNING COMMISSION MEETING CALENDAR**

**Staff Recommendation:** Adopt regular meeting schedule for 2010.

Commission voted to adopt the meeting schedule for 2010.

HP-MB-MP-TS-BF

**B. ELECTION OF 2010 PLANNING COMMISSION OFFICERS**

**Staff Recommendation:** Elect Chairperson and Vice-Chairperson for 2009 calendar year.

Commission voted Heather Phillips as Chairperson.

TS-MB-BF-MP-HP

Commission voted Matt Pope as Vice-Chairperson.  
TS-MB-BF-HP-MP

#### 11. DEPUTY DIRECTOR'S REPORT

John McDowell gave the report.

- DISCUSSION OF ITEMS FOR THE **January 20, 2010** MEETING
  - ▶ Piner's Ambulance Service
  - ▶ Kitchatt Winery
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
  - ▶ Eagle Vines Golf Course Signage
  - ▶ Wine Library at BV Winery
  - ▶ Completed an EIR for a grading project outside of the flood plane.

#### 12. COMMISSIONER COMMENTS / COMMITTEE REPORT

#### 13. FUTURE AGENDA ITEMS

- #00388-UP, 1 year after opening - Caldwell Winery
- #03457-UP, 1 year after opening - Kendall Jackson (formerly Pecota) Winery
- #P06-01426-UP, 1 year after opening - Pavitt Winery
- #02082-UP, September 2010 - Alpha Omega Winery
- #P06-0102-MOD, December 2010 - Frank Family Winery

#### 14. ADJOURNMENT

Adjourned to the regular meeting of the Conservation Development and Planning Commission Meeting of January 20, 2010.

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BOB FIDDAMAN, Chairperson

ATTEST: HILLARY GITELMAN, Secretary-Director

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MELISSA GRAY, Clerk

#### Key

Vote: MB = Mike Basayne; MP=Matt Pope; BF = Bob Fiddaman; TS = Terry Scott; HP = Heather Phillips;

The maker of the motion and second are reflected respectively in the order of the recorded vote.

Notations under vote: N = No; A = Abstain; X = Excused