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Variance Application and Narrative

Napa Valley Museum Use Permit and Variance
P24-00072-UP & P24-00241-VAR
Planning Commission Hearing – October 2, 2024



A Tradition of Stewardship
A Commitment to Service

FILE # _____

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____
TYPE OF APPLICATION: _____ Date Published: _____
REQUEST: _____ Date Complete: _____

TO BE COMPLETED BY APPLICANT

PROJECT NAME: Reference previously-submitted application for P24-00072; Napa Valley Museum

Assessor's Parcel #: 027-150-001 Existing Parcel Size: 1.4 AC.

Site Address/Location: 607 SOUTH ST, HELENA HWY, ST. HELENA 94574
No. Street City State Zip

Property Owner's Name: R + R LAND CO.

Mailing Address: 2416 E 37TH ST WICHITA KS 67219
No. Street City State Zip

Telephone #: (316) 847-4821 Fax #: () - E-Mail: GUY.BYRNE@LRICO.COM

Applicant's Name: NAPA VALLEY MUSEUM

Mailing Address: P.O. BOX 3567 YOUNTVILLE CA 94599
No. Street City State Zip

Telephone #: (707) 944-0500 Fax #: () - E-Mail: LAURA@NAPAVALLEYMUSEUM.ORG

Status of Applicant's Interest in Property: PROPOSED tenant

Representative Name: JEFF DODD

Mailing Address: 700 MAIN ST. SUITE 301 NAPA CA 94559
No. Street City State Zip

Telephone #: (707) 603-2722 Fax #: () - E-Mail: J.DODD@CORLENZLAW.COM

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

DocuSigned by:
Guy Byrne 9/12/2024
6642C5C6C9C14F5... of Property Owner Date

Guy Byrne
Print Name

DocuSigned by:
Laura Rafaty 9/12/2024
C6958C7204AA439... Applicant Date

Laura Rafaty
Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
Total Fees: \$ _____ Receipt No. _____ Received by: _____ Date: _____

FOR REFERENCE ONLY

Clear Form



A Tradition of Stewardship
A Commitment to Service

Planning, Building, & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559
Main: (707) 253-4417
Fax: (707) 253-4336

PLANNING APPLICATION FORM

Applicant Information

<p>Applicant Contact</p> <p>Name: <u>Napa Valley Museum</u></p> <p>Mailing Address: <u>P.O. Box 3567</u></p> <p>City: <u>Yountville</u> State: <u>CA</u> Zip: <u>94599</u></p> <p>Phone: <u>(707) 944-0500 x110</u></p> <p>E-Mail Address: <u>laura@napavalleymuseum.org</u></p>	<p>Property Owner Contact</p> <p>Name: <u>R & R LAND, LLC</u></p> <p>Mailing Address: <u>2416 E. 37th Street</u></p> <p>City: <u>Wichita</u> State: <u>KS</u> Zip: <u>67219</u></p> <p>Phone: <u>(316) 847-4821</u></p> <p>E-Mail Address: <u>Guy.Byrne@Irico.com</u></p>
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<p>Agent Contact</p> <p>Name: <u>Jeff Dodd Coblenz Patch Duffy & Bass LLP</u></p> <p>Mailing Address: <u>700 Main St. Suite 301</u></p> <p>City: <u>Napa</u> State: <u>CA</u> Zip: <u>94559</u></p> <p>Phone: <u>707-603-2722</u></p> <p>E-Mail Address: <u>jdodd@coblenzlaw.com</u></p>	<p>Other Representative Contact</p> <p><input type="checkbox"/> Engineer <input type="checkbox"/> Architect <input type="checkbox"/> Agent</p> <p>Name: <u>Restaurant 209</u></p> <p>Mailing Address: <u>2416 E. 37th Street</u></p> <p>City: <u>Wichita</u> State: <u>KS</u> Zip: <u>67219</u></p> <p>Phone: <u>(316) 847-4821</u></p> <p>E-Mail Address: <u>justin.williams@pressnapavalley.com</u></p>
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Property Information

Project Name: Napa Valley Museum

Project Address: 607 South St. Helena Highway, St. Helena, CA 94574

Assessor's Parcel Number(s): 027-150-001

Size of site (acreage and/or square footage): 1.4 acres

General Plan Designation: Agricultural Resource (AR) Zoning: Commercial Neighborhood (CN)

Application Type¹

File No(s) _____

Administrative	Planning Commission/ALUC/BOS	Zoning Administrator
<p>Erosion Control Plan:</p> <p><input type="checkbox"/> Track I <input type="checkbox"/> Track II</p> <p><input type="checkbox"/> Admin Viewshed</p> <p><input type="checkbox"/> Fence Entry Structure Permit</p> <p><input type="checkbox"/> Land Division/Mergers</p> <p><input type="checkbox"/> Site Plan Approval/Modification</p> <p><input type="checkbox"/> Winery Administrative Permit</p> <p><input type="checkbox"/> Other Very Minor Modification</p> <p><input type="checkbox"/> Addressing</p> <p><input type="checkbox"/> Signs</p> <p>Temporary Event:</p> <p><input type="checkbox"/> 51-400 <input type="checkbox"/> 401+</p> <p><input type="checkbox"/> Late Application Submittal</p> <p><input type="checkbox"/> Application Entitled to Fee Waiver</p> <p><input type="checkbox"/> Other: _____</p>	<p>Major Modification:</p> <p><input type="checkbox"/> Winery <input type="checkbox"/> Other</p> <p>Use Permit:</p> <p><input type="checkbox"/> Winery <input checked="" type="checkbox"/> Other</p> <p><input type="checkbox"/> Viewshed</p> <p><input type="checkbox"/> AG Preserve Contract</p> <p><input type="checkbox"/> Development Agreement</p> <p><input type="checkbox"/> Airport Land Use Consistency Determination</p> <p><input type="checkbox"/> General, Specific or Airport Land Use Plan Amendment</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Zoning Map/Text Amendment</p> <p><input type="checkbox"/> Road Exception</p> <p><input type="checkbox"/> Con. Reg. Exception</p> <p><input type="checkbox"/> Other: _____</p>	<p><input type="checkbox"/> Certificate of Legal Non Conformity</p> <p><input type="checkbox"/> Other Minor Modification</p> <p><input type="checkbox"/> Road Exception</p> <p><input type="checkbox"/> Small Winery Exemption</p> <p><input type="checkbox"/> Winery Minor Modification</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Viewshed</p> <p><input type="checkbox"/> Other: _____</p> <hr/> <p>Misc. Services</p> <p><input type="checkbox"/> Use Determination</p> <p><input type="checkbox"/> Status Determination</p> <p><input type="checkbox"/> Other: _____</p>

¹: Include corresponding submittal requirements for each application type.

REASONS FOR GRANTING A VARIANCE

1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.

Reference letter from Jeff Dodd to Napa County Planner Andrew Amelung sent on September 5, 2024.

2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.

Reference letter from Jeff Dodd to Napa County Planner Andrew Amelung sent on September 5, 2024.

3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.

Reference letter from Jeff Dodd to Napa County Planner Andrew Amelung sent on September 5, 2024.

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

DocuSigned by:
Laura Rafaty
C6958C7204AA439...

Applicant

September 12, 2024
Date

DocuSigned by:
Guy Byrne
6642C5C6C9C14F5...

Property Owner (John Applicant)

Reference previously-submitted application
for P24-00072; Napa Valley Museum
Project Identification

Jeff Dodd
D (415) 772-5724
jdodd@coblentzlaw.com

September 5, 2024

Submitted via email (andrew.amelung@countyofnapa.org)

Andrew Amelung
Napa County Planning, Building &
Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

Re: Variance request for Use Permit Application #P24-00072 ("Project")
607 S St. Helena Hwy, St Helena; APN 027-150-001

Dear Andrew:

This letter and enclosure serves as a request for a variance for the above-referenced Project in accordance with Chapter 18.128 of the Napa County Code (NCC). We submit the variance based on the recommendation I received from you and your colleague, Trevor Hawkes, during a meeting last week on Thursday, August 29.

The proposed variance seeks relief from the strict interpretation of certain landscaping standards required under NCC Sections 18.32.060(C) and 18.32.070(B) applicable to properties within the Commercial Neighborhood (CN) Zoning District, and supplements the Project's third application submittal delivered on August 13, 2024. To support the request, we prepared the enclosed analysis to support the findings for the County's grant of this variance.

We greatly appreciate your attention to the Project. If there is anything else that we can do to further assist the County's processing of this Project application, please do let us know.

Very truly yours,



Jeff Dodd

cc: Beth Painter
Trevor Hawkes

Enclosure: Findings to Support Variance

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Findings to Support Variance

Based on staff recommendations, the applicant requests a variance from the strict interpretation of certain landscaping standards required under Sections 18.32.060(C) and 18.32.070(B) of the Napa County Code applicable to properties within the Commercial Neighborhood (CN) Zoning District. The project property at 607 S. St. Helena Hwy, St. Helena 94574 (APN 027-150-001) is within the CN Zoning District.

Section 18.32.060(C) requires a 10-foot landscaped area between the curb line and the front and side walls of a building along with a certain number of trees:

A minimum of ten feet of unpaved development area between a curb line and the front and side walls of a building or side yard enclosure shall be permanently landscaped. This landscaping shall include trees at a ratio of one per every thirty feet of parcel frontage.

Section 18.32.070(B) requires locating and designing parking to minimize the view of parked vehicles and the inclusion of a certain number of trees:

All parking shall be located and designed to minimize the view of parked vehicles from public streets and adjacent residential uses. Parking lots shall be landscaped at a minimum ratio of one tree per six parking spaces for double-loaded stalls and one tree per three spaces for single-loaded stalls. Parking areas shall not be located within any required setback area.

The project seeks a conditional use permit to entitle an existing market operation (permitted under a CLN) and a new museum operating as a quasi-public use within an existing 10,733 sf building on the property. The property is adjacent to Highway 29 to the west, agricultural uses to the north and east, and commercial uses to the south. Since the property does not abut any residential areas or districts, many of the standards under Chapter 18.32 do not apply (e.g. Section 18.32.060(A)-(B).)

The project would not expand the building footprint nor alter the existing parking layout which includes two rows of parking spaces. One of the parking rows is runs along the property line adjacent to Highway 29 and the other abuts the ADA accessible pathway to the project building. Traffic circulation includes a double-loaded drive aisle through the two rows of parking spaces and a necessary fire lane that allows fire access to the rear of the structure. The fire lane commences on the northeast corner of the property at State Highway 29 and runs along the northern property line to the rear of the building. The building's side yard contains the project wastewater system and the rear yard area of the building contains (in addition to the fire lane) the wastewater system serving PRESS Restaurant that is not a subject of the application.

In sum and as more detailed below, the applicant seeks a variance from the referenced standards in Chapter 18.32 due to the narrow configuration of the rectangularly-shaped project

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parcel that is approximately 200 feet in width and its location immediately adjacent to Highway 29. The size and shape of the parcel presents many exceptional challenges for a commercial operation to provide appropriate parking, traffic circulation, fire accessibility, ADA accessibility, and space for a wastewater system that's required or advisable to have in order to meet federal, state, and local public health and safety standards.

- 1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.*

As noted above, the size and shape of the parcel presents many exceptional challenges for a commercial operation to provide appropriate parking, traffic circulation, fire accessibility, ADA accessibility, and space for a wastewater system that's required or advisable under federal, state, and local public health and safety standards.

Increasing the landscaped area along the property's frontage would require the project to remove the row of parking spaces adjacent to Highway 29. Since the project could not relocate those spaces to other areas of the property due to the required fire lane and wastewater areas, this would decrease available parking by 50%. This drastic reduction to the existing parking space count would make commercial operations on the CN-zoned parcel infeasible. It would also prevent the project and PRESS Restaurant from meeting their customer demands, resulting in a reduction in business and loss of profits. Additionally, the reduced parking is likely to result in vehicle queuing on the site and onto Highway 29 as vehicles enter to search for parking that would now not be insufficient to meet demand—creating a safety hazard for vehicles on the project site and those traveling along Highway 29.

The addition of trees to the parking lot area would also reduce the number of parking spaces and present a safety issue. In order to maintain adequate sight distance at the property's driveway intersections with Highway 29, CalTrans requires that vegetation not exceed the 3.5-foot eye height. (CalTrans Highway Design Manual, Table 405.1B [July 1, 2020].) Strict compliance with Sections 18.32.060(C) and 18.32.070(B) tree-planting requirements within the parking lot would result in a safety hazard.

The property and any economically feasible commercial uses thereon could also not accommodate more trees in the side setback area due to the necessary wastewater system. Tree plantings in this area would jeopardize the integrity of the system due to root growth and disturbance, and also would prevent adequate servicing of the tanks. This could require the tanks to be relocated on-site, likely within the parking area which, similar to the discussion above, would require a reduction in parking spaces required for the CN-zoned parcel. Similarly,

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further tree plantings closer to the building would require removal of the sidewalk area that fronts the project building and provides the necessary path of travel under ADA regulations.

As such, the variance is justified because strict compliance with Sections 18.32.060(C) and 18.32.070(B) would preclude appropriate parking, traffic circulation, fire accessibility, space for a wastewater system and/or ADA access required or advisable under federal, state, and local public health and safety standards. By strictly imposing said landscaping standards on the project, it would preclude the owner's ability to maintain commercial uses on the property in the same manner as other commercially-zoned properties in the South St. Helena unincorporated area.

- 2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.*

Accommodating a certain interpretation of the landscaping requirements of Sections 18.32.060(C) and 18.32.070(B) would require a redesign of the historical building footprints and/or parking and site circulation areas that have served the property for over 50 years. These required changes not only would impact the project building, but also the adjacent building that is not part of the project application. As described above, the drastic reduction in the number of existing parking spaces, which existing spaces have been determined to be adequate for the existing and proposed uses on the site, would reduce customer volumes and profitability to the businesses, and would result in the public health and safety hazards identified above. As such, the variance is necessary for the preservation and enjoyment of substantial property rights—the right to not be required to undertake expensive and unnecessary building and/or site reconfigurations, the right to conduct business safely without putting drivers at risk due to queueing and blocked sightlines to Highway 29, and the right to conduct business as profitably as possible without impediment to customer volume.

- 3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.*

The granting of a variance to Sections 8.32.060(C) and 18.32.070(B) would maintain the existing site layout and building(s), which have not adversely affected the health or safety of persons residing or working in the vicinity of the project site, and has not been detrimental to the public welfare or injurious to property or improvements. More importantly, as described in Finding 1 above, strict compliance with Sections 8.32.060(C) and 18.32.070(B) would adversely affect the health or safety of persons residing and working in the neighborhood, be materially detrimental to the public welfare, and injurious to property or improvements in the neighborhood due to the loss of parking, traffic circulation changes, loss of fire accessibility, impacts to ADA accessible pathways, and wastewater system capacity that's required or advisable to have in

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order to meet federal, state, and local public health and safety policies, standards, laws, and regulations.

Notwithstanding the foregoing, the property currently meets the objectives of Sections 18.32.060(C) and 18.32.070(B) (if not already in compliance therewith) with its reasonably-sized landscaping areas along the property’s frontage and the building’s front and side walls as depicted in the site aerial below.



There is a long continuous landscaped area that runs along the property’s eastern frontage adjacent to Highway 29, which includes many landscaped inlets that provide continuous landscaped areas that extend at least 13 feet from the curb—exceeding the 10-foot landscaping area requirement under Section 18.132.060(C) (*not* including other landscape areas along the front and side of the building and areas therein). Based on the 342 feet of frontage along the project parcel, there are 11 trees required under Section 18.32.060(C). While a tree inventory is currently underway, the property has well over 11 trees and meets this requirement.

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In compliance with Section 18.32.070(B), the property's landscaped inlets within the parking area are parking dividers designed to minimize the view of parked vehicles on the property from Highway 29 and break-up massing in general. Since the setbacks areas described in Chapter 18.32 are only applicable when the parcel has a rear or side yard adjoining residential uses or districts (see NCC Section 18.32.060(A)-(B)) and the property does not adjoin any residential areas or districts, the setback restrictions on parking do not apply. Due to the vague language and lack of defined terms in Section 18.32.070(B), it's unclear how many trees are required under this standard, but the property contains an abundance of tree plantings.

In light of the foregoing, there is substantial evidence in the record to support the project's compliance with Sections 8.32.060(C) and 18.32.070(B) and avoid the need for a variance. However, we submit this application in abundance of caution as staff has requested.

* * *