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## Recommended Findings

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

**PLANNING COMMISSION HEARING – OCTOBER 2, 2024  
RECOMMENDED FINDINGS**

**NAPA VALLEY MUSEUM USE PERMIT AND VARIANCE  
APPLICATION NO. P24-00072-UP AND P24-00241-VAR  
607 SOUTH ST. HELENA HIGHWAY, CA 94574  
APNs: 027-150-001-000**

**ENVIRONMENTAL:**

The Planning Commission (Commission) has received and reviewed the proposed Categorical Exemption pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. Because of the reuse of existing structures and replacement/reconstruction of existing features the project is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301 (Class 1 Existing Facilities), Section 15302 (Class 2 Replacement or Reconstruction).
2. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
3. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

**USE PERMIT:**

The Commission has reviewed the use permit request in accordance with the requirements of Napa County Code § 18.124.070 makes the following findings:

4. The Planning Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property;

**Analysis:** With approval of the variance to address the existing landscaping and parking conditions, the project is consistent with the Commercial Neighborhood (CN) zoning district regulations. The proposed changes to the marketplace constitute an allowable use permitted upon granting of a use permit under NCC § 18.32.030(A)(1) & (2), while a quasi-public use, here in the form of a non-profit museum, is an allowable use in any zoning district upon the granting of a use permit under NCC § 18.120.010(B)(9). All required findings can be made and the project complies with the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), as applicable.

5. The procedural requirements for a use permit set forth in Chapter 18.124 of Napa County Code have been met;

**Analysis:** Under NCC § 18.124.010, the use permit may be granted by the planning commission and a companion action is not required by the board of supervisors. The appropriate applications, fees, and public hearing requirements have been met. The hearing notice and intent to find the project categorically exempt from CEQA was posted and published in the Napa Valley Register on September 21, 2024, and copies of the notice were forwarded to property owners within 1,000 feet of all project parcels.

The project application and subsequent resubmittal of project documents have allowed staff to determine that under NCC § 18.124.060 (A) adequate ingress and egress of the property and existing structure is in place; (B) the appropriate off-street parking and loading arrangements to facilitate any concerns for adequate ingress and egress have been met; (C) through conditions set forth by the Building Division and Environmental Health, adverse effects on groundwater resources, noise, glare, dust, smoke, odor or other effects have been mitigated or determined not to exist; (D) adequate services are in place to address refuse; (E) sufficient utilities and their location and availability exist on the property or can be met through improvements set forth through the building permitting process; (F) through the approval of the variance, screening, buffering, and landscaping requirements have been addressed; (G) the sign will meet the standards set forth through the Comprehensive Sign Plan (CSP-96639-S; P22-00028) approved on September 16, 2022; (H) exterior and interior lighting, particularly with reference to glare, traffic and safety and compatibility with nearby properties and uses shall be met as conditioned; and (K) the time period for which the permit shall be subject to standards set forth in NCC § 18.124.080.

6. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County;

**Analysis:** Granting the Use Permit for the project as proposed and condition will not adversely affect health, safety, or welfare of the County. Affected County divisions and departments have reviewed the project and commented regarding the proposed site access, parking, building permits, fire protection, drainage, and wastewater system. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

7. The proposed use complies with the applicable provisions of Napa County Code and is consistent with the following policies and standards of the Napa County General Plan together with the General Plan Consistency Analysis incorporated here by reference.

**Analysis:** Compliance with the Zoning Ordinance with approval of the variance for landscaping and parking requirements, the project is consistent with the CN zoning district regulations. A marketplace with an exhibition kitchen and a quasi-public non-profit museum are permissible

within the zoning district upon grant of a use permit, as described in NCC § 18.32 and NCC § 18.120.

**Analysis:** Compliance with the General Plan is demonstrated through the applicability of the following General Plan Goals and Policies:

Goal AG/LU-5: With municipalities, other governmental units, and the private sector, plan for commercial, industrial, residential, recreational, and public land uses in locations that are compatible with adjacent uses and agriculture.

Staff Response: Through continued use of the parcel within the CN zoning district under a use permit and variance that is consistent with allowable uses and minimized the need for construction and redevelopment that can lead to further environmental impacts and degradation, the approval of the use permit will support General Plan AG/LU-5.

Policy AG/LU-45: All existing commercial establishments that are currently located within a commercial zoning district shall be allowed to continue to operate and use the existing buildings and/or facilities. Additional commercial uses and mixed residential-commercial uses which are permitted by the existing commercial zoning of the parcel shall be permitted on that portion of the parcel zoned commercial. With respect to Policies AG/LU-44 and 45, due to the small numbers of such parcels, their limited capacity for commercially-viable agriculture due to pre-existing uses and/or size, location and lot configuration, and the minimal impact such commercial operations and expansions will have on adjacent agriculture or open space activities or the agricultural and open space character of the surrounding area, such limited development will not be detrimental to Agriculture, Watershed or Open Space policies of the General Plan. Therefore, such development is consistent with all of the goals and policies of the General Plan.

Staff Response: As stated in the previous staff response, the property has been in commercial use since 1954, and despite its agricultural resource General Plan designation, it is unsuitable for conversion to agricultural use due to preexisting uses and size, and as such will not be detrimental to Agriculture, Watershed or Open space policies of the General Plan.

Policy AG/LU-46: All existing legally established nonconforming uses shall be allowed to continue to operate and to use existing buildings and/or facilities provided they are not determined to be a public nuisance or voluntarily abandoned as defined by the zoning ordinance. Legal nonconforming buildings and facilities may be rehabilitated or rearranged, as long as there is no increase in the intensity of use.

Staff Response: Through approval of CLN 96472 in 1997, the existing legally established nonconforming uses shall be allowed to continue to operate and to use the existing building and facilities. The introduction of a quasi-public use is allowed with the granting of a new use permit and has been determined with no increase in the intensity of use.

Policy AG/LU-50: The following standards shall apply to lands designated as Commercial on the Land Use Map of this General Plan (See Attachment A). Intent: 1) Provide areas where residents of the unincorporated area of the County may obtain commercial services for day-to-day needs in surrounding land uses. The area and location of such districts shall be determined largely by the urban nature and extent of the local trade area to be served. Other criteria which will figure significantly in the choice of parcels deemed suitable for classification include availability of public service, public utilities, traffic safety, character of the site and surrounding area. The central business district of each incorporated city shall be recognized as the dominant commercial and financial center for the surrounding unincorporated area of the County. 2) Provide areas consistent with the General Plan in which the principal use of land is devoted to general commercial uses in non-marine urban areas, limited commercial facilities essential to the needs of residents in residential neighborhood areas, limited commercial facilities oriented to the needs of recreational users in marine areas, and limited commercial facilities serving the needs of travelers in locations in proximity to primary transportation corridors which provide access to areas where tourist oriented uses predominate. General Uses: Neighborhood, tourist, and other limited commercial uses; subject to specified conditions. Minimum Parcel Size: 1 acre; 1/2 acre where public water and sewer are available. Maximum Building Density: 50% coverage.

Staff Response: The existing and proposed uses are compatible with the guidelines, development standards, and performance standards set forth in Policy AG/LU-50. The existing structures make up approximately 34.38 percent of the 1.4-acre parcel.

Policy CIR-5: The County supports a coordinated approach to land use and circulation planning that increases opportunities for physical activity and promotes public health by prioritizing implementation of improvements to active transportation modes and encouraging mixed-use developments that locate complementary uses within reasonable walking or bicycling distance of each other.

Staff Response: As a required condition of approval based on comments from the Department of Public Works, the applicant/permittee shall provide bicycle parking adjacent to visitor and employee entrances. Bicycle parking should be provided per the County of Napa Municipal Code.

Policy CIR-14: Developers of new land uses shall provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity. Consideration of shared parking opportunities is encouraged.

Staff Response: The approval of the variance will allow the existing parking on site to stay in place, which is adequate for the use based on the development standards described in NCC § 18.32.070(A) with a minimum of one off-street parking space per five hundred square feet of building floor area. As a required condition of approval based on comments from the Department of Public Works, parking within the public right-of-way will be prohibited during all events.

Goal CC-3: Recognize the role of the arts in contributing to the quality of life and the attractiveness of Napa County.

Staff Response: The approval of the use permit and variance will allow the Napa Valley Museum to provide community access to art and culinary exhibitions, contributing to an enhanced quality of life and the attractiveness of Napa County.

Policy E-2: The County recognizes that tourism contributes to the economic viability of agriculture in Napa County and is an important part of the County's economy, generating jobs, local spending, and tax revenues.

Staff Response: The granting of the use permit and variance for the Napa Valley Museum can provide tourists with another opportunity to engage in the history and culture of Napa County, ultimately enhancing the entire tourism industry by attracting visitors, generating jobs and encouraging local spending.

Policy E-8: Recognizing the limited availability of non-agricultural land in Napa County, efforts to identify and attract new businesses and employment-generating projects will be targeted toward uses which add value to the county's economy. Factors to be considered may include: c) Location—New businesses should be located in areas served by readily available infrastructure and where adverse impacts on agriculture can be avoided.

Staff Response: Through the approval of a new business and an employment-generating project located in an area served by readily available infrastructure and where adverse impacts on agriculture can be avoided, granting of the use permit and variance will support Policy E-8.

8. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under NCC § 13.15.070 or 13.15.080.

**Analysis:** The subject property is not located in a "groundwater deficient area" as identified in NCC § 13.15.010 and does not include any on-site facilities or improvements that would require new groundwater systems or significant use of groundwater. A normal amount of public water will be used for operational and maintenance purposes, and the existing septic system will be limited to 800 gallons per day with regular monitoring and inspection as required by Environmental Health conditions of approval memorandum 4A.

**VARIANCE FINDINGS:**

The following findings must be made in order for the Planning Commission to grant a Variance pursuant to County Code § 18.128.060.

9. That the procedural requirements set forth have been met.

**Analysis:** An application and required processing fees have been submitted for a variance accompanied with a statement from the applicant outlining the reasons for the request. Site plans depicting the location of the project and elevation drawings showing the appearance of the existing structure have been submitted as required by Napa County Code (NCC) § 18.128.020. According to NCC § 18.128.040, the applicant shall bear the burden of proof in establishing facts supporting the applicant's eligibility for grant of variance while also providing other appropriate information, including graphic depictions necessary to show the grounds for granting of a variance. As such the applicant has submitted a narrative with responses to the required findings and the appropriate information needed to support approval of a variance. Noticing and public hearing requirements have been met. The hearing notice for the October 2, 2024, public hearing was posted on September 21, 2024, and copies were forwarded to property owners within 1,000 feet of the project parcels and all other interested parties.

10. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

**Analysis:** The proposed project is a conversion of a marketplace that has been operating under a Certificate of the Extent of Legal Nonconformity (CLN 96472) since 1997 and has been a legal nonconforming use since its opening in 1954. The existing parking conditions and landscaped areas as described in CLN 96472 do not meet the current landscaping and parking requirements for the CN (Commercial Neighborhood) zoning district as described in NCC § 18.32.060 and 18.32.070.

NCC § 18.32.060(B) states that all such setback areas shall be landscaped with a combination of solid fencing or walls and dense evergreen hedging or trees, a minimum of six feet in height, while 18.32.060(C) requires 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. NCC § 18.32.070(A) states that all uses shall provide adequate off-street parking, with a minimum of one off-street space per five hundred square feet of building area, plus one off-street parking space per employee, while 18.32.070(B) states that 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. These requirements were established through the adoption of Ordinance 1080 § 5 (part) by the Napa County Board of Supervisors on February 28, 1995.

While CLN 96472 addresses marketplace square footage and food preparation, as well as the requirement for the existing use to have a planning entitlement in place generally through an approved use permit, it also goes on to state:

- The legally-nonconforming usable square footage of the structure and uses contained therein (i.e., parking generation), are limited to those that can be effectively accommodated by the existing (March 21, 1997) available vehicle parking, including developed (paved and dedicated) spaces for the market, spaces shared with adjoining parcels and uses by recorded reciprocal agreement, and information (unmarked and unpaved) spaces adjacent to the building on the southeast.
- Approximately 12 feet of the “front parking lot” may be located in the right of way of State Highway 29, and an additional 28 feet of this developed parking area appears to be located in the “road setback” required by the Napa County Code. No determination of legality is made with respect to any parking, curb, landscape feature, or sign structure located in the 40 feet of the site immediately southwest of the Highway 29 right-of-way.

In a signed declaration from the previous property owner dated February 3, 1997, and recorded as part of CLN 96472, the marketplace was in continuous use since 1954, while building permit records associated with the parcel and property date back to 1963. The 1997 Certificate of the Extent of Legal Nonconformity recognizes that the use predates current standards, including the adoption of Ordinance 1080 in 1995 which established the current landscaping and parking requirements.

Staff has determined that the existence and continued use of the parking area under CLN 96472 supports the finding prior to issuance that special circumstances exist applicable to the property location and surroundings, and that strict application of the zoning district regulations would create more detrimental environmental impacts, and reduced visibility created by additional landscaping that meet the height requirements of NCC § 18.32.060 and NCC § 18.32.070 can result in a safety hazard for drivers along State Highway 29.

11. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

**Analysis:** This finding requires the applicant to demonstrate that the granting of the variance is necessary for the preservation and enjoyment of substantial property rights generally enjoyed by other properties in the same zone or vicinity. In this case, the marketplace is operating under a County-approved Certificate of the Extent of Legal Nonconformity, which under General Plan Policy AG/LU-46 and NCC § 18.132 can continue to operate and use existing buildings as well as repair, rehabilitate, remodel, and redesign these facilities so long as they are not causing a public nuisance and are not increasing the degree of the nonconformity. Furthermore, the full extent of the parcel has been developed under the approved CLN and other county-approved permits, including a use permit for the restaurant next door that is also on the parcel. The proposed marketplace and museum is decreasing the extent of the nonconformity, and requiring them to redesign their landscaping and parking area to meet current standards would not only cause safety and visibility concerns as described in comments from the Department of Public Works, it would also be imposing a requirement on a property owner with a CLN that the County would not necessarily impose on other property owners with a CLN within the same general vicinity. Granting of the variance would allow the property owners to maintain their property rights under CLN 96472 through use permit and variance conditions of approval.



12. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

**Analysis:** The health, safety or welfare of the County is not adversely affected. The project is subject to County Codes and regulations including but not limited to the California Building Code, American National Standards Institute, Napa County Fire Department requirements, Environmental Health Division standards for water and wastewater requirements, and Engineering Division requirements all with recommended conditions that would be incorporated into the project to assure protection of public health, safety and welfare.

Furthermore, a required condition of approval based on comments from the Department of Public Works states that landscaping at the project driveways shall be maintained to not interfere with sight lines required for safe stopping distance on the public right-of-way. No items that are wider than 18 inches can be taller than 30 inches other than street trees and traffic control devices. Street trees should be deciduous and have branches lower than 4 feet in height upkept once the tree is established. These landscaping conditions of approval at the site for safety and traffic visibility support the approval of the variance from the CN base zoning district landscaping requirements.

# Attachment A

