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Recommended Findings

Lede Driveway Improvements
Use Permit Exception #P17-00021 & RSS Exception
Planning Commission Hearing May 3, 2017

**PLANNING COMMISSION HEARING – MAY 3, 2017
RECOMMENDED FINDINGS**

**LEDE DRIVEWAY IMPROVEMENTS/POETRY INN, LLC
USE PERMIT EXCEPTION TO CONSERVATION REGULATIONS #P17-00021-UP
AND EXCEPTION TO THE RSS
6360, 6380, 6390 SILVERADO TRAIL
APNS: 032-070-027, -028, -029, & -030**

ENVIRONMENTAL DETERMINATION:

The Planning Commission (Commission) has received and reviewed the proposal pursuant to the provisions of the California Environmental Quality Act (CEQA), and finds that:

1. The proposed project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project involves negligible expansion of an existing use.
2. The proposed project is categorically exempt from CEQA pursuant to Napa County's Local Procedures for Implementing CEQA Appendix B of under Class 1: Existing Facilities: 1. Existing roads, streets, highways, bicycle and pedestrian paths, and appurtenant facilities. The proposed project meets the listed activities since the road improvements include reconstruction, replacement and minor expansion of the road including, but not limited to: reconstructing, resurfacing and/or seal coating of the pavement; paving existing unpaved shoulders; widening the paved roadway by less than 8 feet or adding up to 4-foot wide unpaved shoulders; and, adding short auxiliary lanes when required for localized purposes such as weaving, turning, climbing, lane changing or accelerating or decelerating.
3. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

EXCEPTION TO ROAD AND STREET STANDARDS:

The Commission has reviewed the attached described Napa County Road and Street Standards (RSS) Exception request in accordance with RSS Section 3 and makes the following findings:

4. The exception will preserve unique features of the natural environment which includes, but is limited to, steep slopes, heritage oak trees, or other trees of at least 6"dbh and found by the decision-maker to be of significant importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like.

Analysis: The project proposes roadway improvements to provide safe ingress and egress to the existing and proposed residential and commercial sites (existing inn and approved un-built winery), while providing the same practical effect as the RSS. There is a stream

traversing the site adjacent to a portion of the road, there are slopes (15%-30%) and there is a significant stand of native oaks traversing the site from the northwest to the southwest, between the subject properties and Silverado Trail.

5. Grant of the RSS Exception will provide the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.

Analysis: Horizontal and vertical vegetation management will be implemented along the entire length of the access road and around any existing and proposed structures to create defensible space. Improvements to the existing access road will bring the majority of the road into compliance with the RSS with the exception of 500 feet for access which will have a longitudinal roadway grade of approximately 22%. Mitigation along this stretch includes grooved asphalt surface to provide a roughened surface and improve removal of water from the road surface to increase road performance and traction. Also, the steepest section will be widened to a maximum of 38.0' improving the inside radius of curvature to be in compliance with the RSS and greatly improving sight distance. The request from STA 15+00 to STA 20+00 which does not exceed a roadway grade of 18% is not necessary. This is due to the 500 foot section being surfaced with a minimum of 2 inches HMA over 5 inches Class 2 AB which fully complies with the RSS.

USE PERMIT REQUIRED FINDINGS:

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

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

Analysis: The project is consistent with the AW (Agricultural Watershed) zoning district regulations. The proposed road improvements will be made to an existing access road for the replacement residences, second unit, and guest cottage, permitted within the AW District (Napa County Code Section 18.20.020(B), (C), and (G)).

7. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code (Use Permits) have been met.

Analysis: The use permit modification application has been filed, noticed and public hearing requirements have been met. The hearing notice was posted on April 22, 2017 and copies were forwarded to property owners within 1000 feet of the subject parcel and all other interested parties.

8. The granting of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: The Engineering Services Division and CalFire have reviewed the project and their recommended conditions incorporate these comments into the project to assure the ongoing protection of the public health, safety and welfare and preserve the natural resources.

9. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: The project complies with the requirements of the AW Zoning District, the Conservation Regulation and other applicable provisions of the Napa County Zoning Ordinance (Title 18, Napa County Code). The goals established by the County General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to concentrate urban uses in the County's existing cities and urban areas. No vineyards would be removed to accommodate the project. The Agriculture, Watershed and Open Space Designation includes single-family dwellings at an intensity of one dwelling unit per parcel as general uses. The proposal maintains that consistency with the existing development on the parcels consisting of a primary residence, second unit and guest cottage.

10. The proposed use would not require a new water system or improvements causing significant adverse effects, either individually or cumulatively, on the 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 Napa County Code Section 13.15.070 or Section 13.15.080.

Analysis: The project would not place a demand upon the groundwater for the subject parcels, and therefore, no new water systems or improvements causing significant adverse effect, either individually or cumulative, will be constructed as a result of this project.

The following findings must be made in order for the Commission to grant an exception to the Conservation regulations in the form of a use permit pursuant to County Code Section 18.108.040(A) for structural and road development projects.

11. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading.

Analysis: The project proposes the construction of additional pavement to increase the width of an existing access road. Such improvements will be in conformance with the existing road grade, the cut and fill at the curve will be balanced on the site, and there will be no retaining walls required. Therefore, no significant grading will be required by this project.

12. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:
 - a. Multiple floor levels which follow existing, natural slopes,
 - b. Foundation types such as poles, piles or stepping levels which minimize cut and fill and the need for retaining walls,
 - c. Fence lines, walls and other features which blend with the existing terrain rather than strike off at an angle against it.

Analysis: The project deals specifically with the existing roadway and the improvements proposed will increase the width of the road. The improvements will not require the construction of retaining walls. Therefore, there are no structures proposed as part of this project.

13. The development minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

Analysis: The proposal and associated earthwork will not involve the removal of any trees or shrubs. The work will occur within or on generally disturbed ground.

14. Adequate fire safety measures have been incorporated into the design of the proposed development.

Analysis: Fire storage tanks are already present on the property. The project has been reviewed by the Fire Marshal and they have support the project as proposed and conditioned.

15. Disturbance to streams and watercourses shall be minimized, and the encroachment if any, is the minimum necessary to implement the project.

Analysis: The unnamed ephemeral stream is located downward and on the northwest side of the project location. Any drainage alterations would be included in the grading and improvement plans that are required for project construction. The applicant is required to submit a Notice of Intent (NOI) for a Storm Water Pollution Prevention Plan permit (SWPPP) from the Regional Water Quality Control Board for pre & post construction activities, as well as, obtain a grading permit from the Engineering Services Division to ensure that no excessive run-off occurs during pre/post construction. Review and approval by the Division of Engineering of the grading and improvement plans will ensure that no there is no potential for significant on- or off-site erosion, impact to siltation, or flooding.

16. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the County's environmental sensitivity maps;

Analysis: There are no threatened or endangered plants or animal habitats as designed by state or federal agencies with jurisdiction or as identified on the County's environmental sensitivity maps and the biological analysis that was performed.

17. An erosion control plan, or equivalent NPDES stormwater management plan, has been prepared in accordance with Section 18.108.080 and has been approved by the director or designee.

Analysis: Project specifications have been submitted and approved by the Engineering Division, as conditioned.