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Recommended Findings

RECOMMENDED FINDINGS

PLANNING COMMISSION HEARING – APRIL 4, 2018

**Safeway Open Modular Suite
Use Permit Modification P17-00087 & Conservation Exception Request,
1600 Atlas Peak Drive, Napa
Assessor's Parcel No. (APN) 060-010-001**

ENVIRONMENTAL:

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

1. Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the following Sections: CEQA Guidelines Section 15303 (Categorical Exemption Class 3 New Construction or Conversion of Small Structures), which exempts the construction of small new facilities or structures; and CEQA Guidelines Section 15304 (Categorical Exemption Class 4 Minor Alterations to Land), which exempts minor alterations to land including minor trenching where the surface is restored. The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962.5.

Under CEQA Guidelines Section 15300.2, a Categorical Exemption cannot be used if environmental sensitivities exist at the site or if there will be cumulative impacts. Milliken Creek – West Fork is located within the 55' setback and the entire existing parcel is in a designated 100-year FEMA Flood Zone A. The area of disturbance would be entirely within the "ruff" area of the 18th Hole of the North Golf Course and would require minimal vegetation removal, limited to incidental manicure grass. While mature trees bound the location of the proposed modular suite, no trees would be removed nor would Riverine designated wetlands be disturbed, which are located within the Creek. Slopes within the vicinity of the placement of the modular suite range from 5-15 percent. The project will not have an impact on the creek or the 100-year FEMA Flood Zone A due to required conditions of approval, as recommended by Engineering Services. The project will not have an impact on Milliken Creek – West Fork.

EXCEPTION TO CONSERVATION REGULATIONS:

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

Analysis: Installation of the 1,600 square foot (40' X40') modular suite requires placing the building on a permanent foundation complementing the natural landform by removal of manicured grass and avoiding any excessive grading. Upon removal of the modular suite, the area will be restored to its original condition, which consists of the planting of manicured grass as part of the 18th Hole.

3. 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: Slopes near the project range from 5-15 percent. The proposed modular suite results in no changes in grade and requires minimal earthwork. Upon removal of the modular suite, the area will be restored to its original condition, which consists of the planting of manicured grass as part of the 18th Hole.

4. The development project 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 area of disturbance would be entirely within the “ruff” area of the 18th Hole of the North Golf Course and would require minimal vegetation removal, limited to incidental manicure grass. While mature trees bound the location of the proposed modular suite, no trees would be removed nor would Riverine designated wetlands be disturbed, which are located within and around the outer banks of the Creek. Upon removal of the modular suite, the area will be restored to its original condition, which consists of the planting of manicured grass as part of the 18th Hole.

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

Analysis: The proposed modular suite has been placed in a location that has adequate access to emergency services at all times as agreed upon by the Fire Marshall’s office and conditioned by Engineering Services.

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

Analysis: Although the modular suite will be within the required stream setback, the project will not result in any modification of the creek bank or the creek’s vegetation. 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.

7. 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: County Geographic Information System data does not indicate presence of any sensitive species or sensitive species’ habitat near the proposed modular suite. The area of disturbance would be entirely within the “ruff” area of the 18th Hole of the North Golf Course and would require minimal vegetation removal, limited to incidental manicure grass. While mature trees bound the location of the proposed modular suite, no trees would be removed nor would Riverine designated wetlands be disturbed, which are located within and around the outer banks of the Creek. Slopes in the near the project range from 5-15 percent. In November 2020, the modular suite would be removed and the area would be restored to its original condition, which consists of the planting of manicured grass as part of the 18th Hole.

8. 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: The proposed modular suite includes negligible new impervious surface, which will not add to stormwater runoff before discharge of the runoff into Milliken Creek – West Fork. The project has been reviewed by the County’s Engineering Division staff, who recommend approval of the project.

USE PERMIT:

9. The Planning Commission has the power to issue approval for the Use Permit request under the Zoning Regulations in effect as applied to property.

Analysis: Retention of the proposed 1,600 square foot modular suite located in the “ruff” area of the 18th Hole of the North Golf Course would encroach into the minimum required stream setback (County Code Sections 18.108.020 and 18.108.025). Exceptions to the County’s Conservation Regulations are subject to a Use Permit, and Use Permits are subject to review by the Planning Commission (County Code Sections 18.108.040 and 18.124.010). There is no companion action necessary for the requested Use Permit that would require action by the Board of Supervisors.

10. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The use permit modification application and Conservation Regulation Exception has been appropriately filed, and notice and public hearing requirements have been met. On March 23, 2018, the notice of public hearing and intent to adopt Categorical Exemptions was published in the Napa Valley Register, and copies were forwarded to property owners within 1000 feet of the subject parcel and all other interested parties.

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

Analysis: Granting the Use Permit modification and Conservation Regulation Exception for the project as proposed and conditioned will not adversely affect the health, safety, or welfare of the County. Various County departments have reviewed the project and commented regarding water, wastewater disposal, traffic and access, and fire protection. Conditions are recommended which will incorporate these comments into the project to ensure the ongoing protection of the public health, safety, and welfare.

12. 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 modular suite is currently placed on the “ruff” area 18th Hole of the North Golf Course. Retention of the modular suite in its current location, which would result in no tree or plant removal, is consistent with Goal CON-3, which conserves, protects, and improve plant, wildlife and fishery habitats for all native species in Napa County. Although the modular suite will be within the required stream setback, the project has also been designed to minimize earthwork and consists of a small footprint within “ruff” grass area of the 18th Hole of the North Golf Course, in compliance with County stormwater quality control regulations intended to minimize sediment

and pollutant discharge into the County's streams and waterways. The project will not affect nor cause removal of any vegetation within and/or along the outer banks Milliken Creek – North Fork, supporting General Plan Policies CON-45 and CON-47(f). The County's Conservation Regulations (County Code Section 18.108.040) identify the Use Permit as the appropriate mechanism for allowing exceptions to the standard stream setbacks.

13. 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 Sections 13.15.070 or 13.15.080 of the County Code.

Analysis: The retention of the modular suite on the 18th Hole of the North Golf Course will not be occupied except for event days of the Safeway Open PGA Tournament and, thus, will have no ongoing water demands that will result in extraction of groundwater or use of City of Napa water over the long-term.