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Recommended Findings

RECOMMENDED FINDINGS

PLANNING COMMISSION HEARING – OCTOBER 3, 2018

AVINA SWIMMING POOL AND YARD IMPROVEMENTS
Use Permit Conservation Exception Request, Application P18-00172 – UP
1115 Petra Drive, Napa
Assessor's Parcel No. (APN) 039-112-011

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 pursuant to Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines). This project qualifies as an exempt activity under three sections of Article 19: CCR §15301 (Class 1, Minor Alteration to Existing Facilities), §15303 (Class 3, New Construction or Conversion of Small Structures), which exempts construction of swimming pools; and §15304 (Class 4, Minor Alterations to Land), which exempts 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.

USE PERMIT:

2. 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: The proposed swimming pool and associated yard improvements consisting of a replacement deck, landscaping and hardscape 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 allowed in the form of 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.

3. 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 application for a Use Permit has been appropriately filed, and notice and public hearing requirements of Napa County Code Section 18.136.040 and CEQA Guidelines Section 15072 have been met. On September 22, 2018, notice of public hearing and intent to adopt a Categorical Exemption was published in the Napa Valley Register, posted with the Napa County Clerk, mailed via first class mail to owners of property within 1,000 feet of the subject parcel, and mailed via first class mail or electronic mail to the applicant, property owner, and other interested parties who had previously requested such notice.

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

Analysis: Implementation of the proposed project will not generate substantial increases to ongoing groundwater or wastewater treatment demands beyond levels associated with the existing single family residence. The swimming pool and associated rear yard improvements are an accessory use to an existing residence. The project includes no new residential or commercial development that will generate new vehicle trips on the road network in the vicinity of the property. All new improvements will occur in previously developed areas, and have been designed to comply with California Building Code requirements as well as Napa County stormwater pollution prevention requirements, which provide adequate safety and service in the interest of protecting public health and welfare.

5. 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 proposed project will occur within an existing developed residential back yard on a parcel created in 1950 prior to the enactment of current stream setback regulations. The proposed improvements will replace existing legally established improvements within the stream setback, will result in no native tree removal, and is consistent with Goal CON-6 which encourages the preservation of woodlands for their environmental and open space value. Although the pool and yard improvements will be within the required stream setback, the project has also been designed to minimize earthwork and consists of a small footprint within a previously disturbed area outside of the defined bed and bank for Soda Creek. All improvements are designed to comply with County stormwater quality control regulations intended to minimize sediment and pollutant discharge into the County's streams and waterways. The project will not impact nor cause removal of any vegetation along the stream, which is designated as a critical habitat linkage corridor 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.

6. 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 pool will nominally increase groundwater use associated with the property. However, initial filling of the pool will occur with trucked-in potable water and thus avoid use of groundwater. Portions of existing groundwater irrigated residential landscaping will be removed in order to construct the pool. Water use for the residence, pool and site landscaping will remain within Section 13.15 groundwater conservation 'fair-share' water use limits, which provides for 1 acre-foot of water per acre of land. The fair share allotment for this property is 0.39 acre-feet per year. Projected water use for the residence with pool and landscaping is 0.15 to 0.3 acre-feet per year.

EXCEPTION TO CONSERVATION REGULATIONS:

7. 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 pool and yard improvements will result in less than 2,500 sq. ft. of land area disturbance, and would not change the existing landforms. The project will not

encroach within the defined bed and bank for Soda Creek, and has consequently been certified by the State Department of Fish and Wildlife as complying with watercourse protection requirements. Approximately 75 cubic yards of material will be excavated, or roughly 35 ft. in length, 15 feet in width and averaging 4.5 ft. in depth. This is well below the 2,000 cubic yard CEQA exemption threshold identified in Napa County's Guidelines for Implementing CEQA.

8. 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 surrounding the proposed pool and yard improvements are shallow, ranging from 1 to 3 percent. The proposed pool and improvements result in no changes in grade and require minimal earthwork, and will be at grade with the existing rear yard. No work will occur within the bed and bank of Soda Creek.

9. 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 project will not require the removal of any native trees or vegetation. All work will occur within previously developed areas, and therefore no replacement vegetation is necessary as there are no adverse environmental effects resulting from the project.

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

Analysis: The proposed swimming pool and yard improvements will meet all building permit requirements. County Fire Marshal staff will review building permit plans and specification for compliance with fire safety requirements. The project as designed complies with fire safety measures.

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

Analysis: The pool and yard improvements will be located in an area that has previously been developed with residential yard improvements. No encroachments into the watercourse will occur. Although the pool and improvements will be within the required stream setback, the project will not result in any modification of the stream bank or the streamside vegetation.

12. 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 indicates the presence of sensitive species within Soda Creek. However, all proposed improvements will occur within a previously developed area outside of the defined bed and bank, and thus outside of sensitive species habitat. The project will not result in increased discharge or illicit discharge to the creek,

and thus will not adversely impacts threatened or endangered plant or animal communities or habitat. The project has been evaluated by the State Department of Fish and Wildlife, the Trustee Agency for the protection biological resources, and found to comply with resource protection requirements. The agency determined that the project was exempt for agency permitting requirements.

13. 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 swimming pool and rear yard improvements have been reviewed by the Engineering Division and found to comply, as conditioned, with the requirements of the County's NPDES stormwater management program. The project will result in negligible changes to impervious surfaces, which will not add to stormwater runoff into Soda Creek.