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A Commitment to Service

Agenda Date: 5/3/2017

Agenda Placement: 8D

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Wyntriss Balcher, Planner II - 707 299-1351

**SUBJECT:** Poetry Inn/Lede Driveway Improvements Use Permit Conservation Exception Request #P17-00021-UP

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### **RECOMMENDATION**

#### **POETRY INN, LLC / LEDE DRIVEWAY IMPROVEMENT PERMIT / USE PERMIT EXCEPTION TO CONSERVATION REGULATIONS # P17-00021-UP AND ROADS AND STREETS STANDARDS EXCEPTION REQUEST**

**CEQA Status:** Consideration and possible adoption of a Categorical Exemptions pursuant to the California Environmental Quality Act (CEQA) Section 15301, Class 1: Existing Facilities; and, Appendix B, Class 1, of the Napa County's Local Procedures for Implementing the California Environmental Quality Act. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Request:** Approval of a Use Permit Exception to Conservation Regulations (Napa County Code 18.108.25(A)) to allow the construction of improvements to an existing driveway access road in compliance with the Napa County Road and Street Standards (RSS) and within the stream setbacks (85' to 105') established by the Conservation Regulations. In addition, an Exception to the RSS is requested for broadening and resurfacing of the existing access roadway along its current alignment and path of travel and allowance for a longitudinal slope in excess of 16% for two sections of the road. Also, the application requests reconfirmation of the previously granted RSS exception (P05-0401-UP) that covers the remaining portion of the access driveway from the Poetry Inn Driveway to the Imagine Property (APN: 032-070-030) including the improvements that have been previously constructed pursuant to that exception. This existing road serves an Inn, an un-built approved winery, an existing residence and a replacement residence with its proposed second unit and guesthouse. The project is located on the east side of Silverado Trail, ±350 feet from its intersection with Yountville Cross Road on a ±29.44 acre parcel (APN: 032-070-027), crossing through two other parcels: APN: 032-070-028 (±16.92 acres) and APN: 032-070-029 (±24.06 acres), and terminating on parcel APN: 032-070-030 (± 23.30 acres). The General Plan Land Use designation is Agriculture, Watershed and Open Space, and the properties are zoned Agricultural Watershed (AW); 6360, 6380, and 6390 Silverado Trail, Napa 94558.

**Staff Recommendation:** Find the project Categorical Exempt from CEQA, approve the Exception to the Road and

Street Standards request, and approve the Use Permit Exception to the Conservation Regulations, as conditioned.

**Staff Contact:** Wyntriss Balcher, Planner II, (707) 299-1351 or wyntriss.balcher@countyofnapa.org

**Applicant Contact:** George H. Monteverdi, Monteverdi Consulting, LLC; (707) 761-2516;  
George@MonteverdiConsulting.com

## **EXECUTIVE SUMMARY**

### **Proposed Actions:**

That the Planning Commission:

1. Find the project Categorically Exempt from CEQA based on Findings 1-3 of Attachment A;
2. Approve an Exception to the Napa County Road and Street Standards based on Findings 4-5 of Attachment A and subject to the recommended Conditions of Approval in Attachment B; and Reconfirm previously granted RSS Exemption (Use Permit # P05-0401);
3. Approve the Use Permit based on findings 6-10, and subject to the recommended conditions of approval in Attachment B; and,
4. Approve an Exception to the Conservation Regulations in the form of a Use Permit #P17- 00021-UP based upon proposed Findings 6 through 17 of Attachment A; and subject to the recommended conditions of approval in Attachment B.

### **Discussion:**

The applicant has requested building permits for the construction of replacement residences on two of the subject properties. Construction of a single family home is allowed by right (ministerial permit) on any legal lot in Napa County provided that the applicant can demonstrate provision of adequate water, waste water and access. However, on highly constrained properties such as this, County regulations often trigger additional discretionary review such as a Conservation Regulations Use Permit Exception and a request for a Road and Street Standards (RSS) Exception. In these cases, the Commission is not obligated to approve the specific development proposed, but must allow reasonable use of the land, and at a minimum a single family home of some type (provided that basic health and safety provision are made (e.g., water, septic, and access)).

The RSS requires that private access roads serving multiple residences or wineries, inns, or other commercial uses provide two 10-foot wide travel lanes (20 feet total) and a maximum 16% longitudinal slopes (slopes up to 18% and under certain circumstances up to 20% can also be allowed at the Cal Fire and Engineering Division's discretion). The subject 0.5 mile access road traverses four parcels providing access for the two residential projects, an existing inn and approved but unbuilt winery from Silverado Trail. Staff has reviewed the requests and determined that the proposed project as designed will minimize any adverse impacts on the site, and, therefore, supports approval of the exception to the Conservation Regulations and the exception to the RSS as conditioned. Staff supports reconfirmation of the previously granted exception approved under P05-0401-UP, regarding the remaining portion of the access driveway. The previously granted exception to the 650 feet of the access driveway has already been completed and appears to meet or exceed the required widening in most areas. Staff has further determined that this proposal is not subject to Viewshed review.

Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. Based upon the evidence submitted that the proposed construction to widen the existing access road has been designed to allow safe ingress and egress, staff recommends approval of the exception request to the Conservation Regulation setbacks and the exception to the RSS.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a Categorical Exemptions pursuant to the California Environmental Quality Act (CEQA) Section 15301, Class 1: Existing Facilities; and, Appendix B, Class 1, of the Napa County's Local Procedures for Implementing the California Environmental Quality Act. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

**Property Owner:** Poetry Inn, LLC 1473 Yountville Cross Road, Napa, CA 94558

**Representative:** George H. Monteverdi, Monteverdi Consulting, LLC, PO Box 6079, Napa, CA 94581; (707) 261-2516; George@MonteverdiConsulting.com

**Zoning:** Agricultural Watershed (AW) District

**General Plan Designation:** Agriculture, Watershed & Open Space (AWOS)

**Parcel Sizes:** ±29.44 ac. (APN: 032-070-027); ±16.92 ac. (APN: 032-070-028); ±24.06 ac. (APN: 032-070-029); ±23.30 ac. (APN: 032-070-030)

**Setbacks (Required):** 85 feet-105 feet (Conservation Regulations 30% to 50% slopes)

**Setbacks (Proposed):** 25 feet to 65 feet within the required creek setback; varies due to topography

**Application filed:** January 17, 2017

**Resubmittal Received:** March 10, 2017

**Deemed Complete:** March 21, 2017

**Adjacent General Plan Designation/Zoning District/Land Use:**

North – AWOS/AW/undeveloped lands

Southeast – AWOS/AW/agriculture, winery (Robert Sinsky Vineyards), and residential.

Southwest – AWOS/Agricultural Preserve (AP)/agriculture and residential

East – AWOS/AW/agriculture and undeveloped lands

West – AWOS/AP/agriculture and residences

**Property History:**

The subject access driveway traverses from Silverado Trail through the frontage property and provides access for the other three parcels. These three parcels (APN: 032-070-028, -029, and -030) are owned by the applicant, Poetry Inn, LLC. One parcel has an existing 5-room luxury inn (Poetry Inn); the second parcel has a building permit on file to demolish the existing residence and to construct a new residence; and the third is planted in ±4.20 acres

of vineyard with approval to construct a new winery (Use Permit #P05-0401), and building permits are on file to construct a new replacement residence, second unit and guest cottage. The frontage parcel (APN: 032-070-027) has an existing residence with direct access to Silverado Trail and is planted in vineyards.

The Planning Commission approved Use Permit #P05-0401 on April 5, 2006 for a 12,000 gallon winery, which included the construction of a 4,361 sq. ft. building and 6,373 sq. ft. of caves. The subject access road was found to be too narrow and conditions were imposed to bring the road up to County Standards on the winery property. The Department of Public Works approved a RSS exception on March 10, 2006 to allow localized narrowing of the road to avoid excessive earthwork and to save several existing large oak trees along the road. The exception was found to provide the same overall practical effect as the RSS and provides the same overall practical effect as the standards towards providing defensible space and consideration towards the life, safety and welfare of the public. A determination was made that the winery use permit was "used" on April 15, 2017.

### **Compliance History:**

A vineyard planting violation was recorded in 2008 and the issue was resolved.

### **Discussion Points:**

Project Setting - The project site is comprised of four parcels located on Silverado Trail, east of Yountville. The applicant has submitted building permits for a replacement residence, second unit and guest cottage on parcel #032-070-030 and a building permit to replace the existing residence on parcel #032-070-028. The access road serving the proposed replacement residence permits also serves the existing Poetry Inn and the un-built winery. The subject existing paved access road is  $\pm$ .5 miles, traverses moderately sloping lands where the slopes along the length of the driveway (longitudinal slope) average less than 20% with the exception of an isolated segment of driveway (STA 23+50 to STA 26+50, 300') that averages 22% and a very short segment (STA 26+00 to STA 26+50, 50') that is inclined at 25%. Sight distance varies along the length of the road and in general is adequate for a design speed of 15 mph with the exception of a curve located at STA 26+00 where sight distance is currently limited by the road curvatures. The sight distance will be substantially improved with the proposed widening to the inside and outside of the curve beyond what is required by the RSS.

An ephemeral stream traverses two of the parcels parallel to portions of the road. The County Conservation Regulations (NCC 18.108.010) establish creek setbacks wherein land disturbing activities are not permitted unless authorized by the Commission through the granting of an exception in the form of a use permit. Portions of the existing road lies within the stream setback (85 feet to 105 feet) and most of the proposed improvements are located on the side of the road away from the stream, encroaching 25 to 65 feet. At the curve discussed above, the road improvements will occur on both sides of the road and within the stream setback.

Project Proposal - The applicant submitted an application for building permits for replacement residences (plus a permitted second unit and guest cottage on one parcel) on two of the parcels. Napa County RSS require that the access driveway be brought up to current standards. As discussed above the existing access road crosses through a required Conservation Regulation stream setback for the ephemeral stream traversing the project area. In addition, a portion of the existing road has longitudinal slopes which exceed the RSS. The applicant is therefore requesting exceptions to the RSS and the Conservation Regulations. In addition, the applicant is requesting reconfirmation of the previously granted roadway width RSS exception, since this portion of the access road will also serve one of the residences (and accessory residences).

Napa County RSS Compliance - The project has been reviewed by the Engineering Division and the Fire Marshall's office and they have determined the exception for longitudinal slope in excess of 16% based upon constraints from existing topographic features, trees, steep slopes and setback from the natural water course is allowed by RSS Section 3,(d)i and (d)ii. The proposed improvements achieves the same overall effect of the RSS

by providing defensible space and consideration toward life, safety and public welfare by providing:

- l horizontal and vertical vegetation management along the entire length of the access road and around any existing and proposed structures to create defensible space; and
- l improvements to the existing private lane to bring the majority of the road into compliance with the RSS, except for a 500-foot section which will have a longitudinal roadway grade of approximately 22% with grooved asphalt surface to provide a roughened surface and improve removal of water from the road surface, thereby increasing road performance and traction.

The steepest section will be widened to a maximum of 38 feet, will improve the inside radius of curvature to be in compliance with the RSS, and will greatly improve sight distance. The request from STA 15+00 to STA 20+00 to 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 hot mix asphalt (HMA) over 5 inches Class 2 aggregate base (AB), which fully complies with the RSS.

Reconfirmation of Previously Granted Roadway Width Exception - The previously granted roadway width exception was reviewed by the Engineering Division along with Cal Fire. The previously granted exception to the 650 feet required several improvements and substantial widening which has already been completed and meet or exceed the required widening in most areas. The Engineering Division's conditions previously placed on the project have been included in the recommended conditions of approval for this application.

Conservation Regulation Compliance - A Site Specific Biological Survey Report was prepared by Kjeldsen Biological Consulting (February 9, 2017), which included a field survey of site conditions along the proposed road alignment expansion. The project includes plans for a 2 foot extension of the existing road along the unnamed ephemeral drainage side of the road where vegetation consists of ruderal vegetation (grasses and herbs), but widening will generally occur within or along disturbed ground. The biologist concluded that there was no evidence for the presence or habitat for the Sonoma beardtongue associated with the project site. Best Management Practices and Erosion Control Measures required as a part of the grading permit would remove any potential impacts from the grading activities to the unnamed ephemeral stream.

Viewshed Compliance - The proposed residences are located behind stands of mature oak trees and are not visible from [a designated Viewshed Road] Silverado Trail. All grading improvements will be to the existing access road on slopes of fifteen percent or more, however, the grading will involve less than one and one-half acres of land. Although the existing access road is visible from Silverado Trail, there are no vertical structures such as retaining walls proposed, and therefore, there will be no significant change to the view of the access road from Silverado Trail.

### **Decision Making Options**

As noted in the Executive Summary Section above, Staff is recommending approval of the project with conditions of approval as described in Option 1 below. Decision making options also include a reduced development alternative and no project alternative.

#### Option 1 - Approve Applicant's Proposal (Staff's Recommendation)

This option would result in the construction of road improvements to widen the existing access road to allow safe ingress and egress to the proposed replacement residences, and would provide defensible space and consideration toward life, safety and public welfare. Further, these improvements will allow the proposed new replacement residential building permits to comply with the Building Code requirements for adequate access.

Action Required – Follow proposed action listed in the Executive Summary. If conditions of approval are to be

amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts and found to be categorically Exempt from CEQA. The Applicant can accommodate the proposed construction with minimal impact to the site or its surroundings. Staff supports this option.

#### Option 2 – Re-Design Alternative

This option would require the construction of a new access driveway in compliance with the RSS to serve the permitted new replacement residences which would result in a significant amount of grading, the removal of existing vineyard development, and the removal of trees from the large mature oak tree stand. In addition, a new access road might require the construction of retaining wall which be visible to Silverado Trail. Staff does not support this option because it appears that alternate road design would potentially result in an adverse impact on the environment.

Action Required - Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to revise the location of the access road and required conditions of approval. The item will need to be continued to a future date to complete CEQA review on the new access road.

#### Option 3 – Deny Proposed Project

Disposition – In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit exception and/or the exception to the RSS, the Commissioners should articulate what aspect or aspects of the project are in conflict with required findings. State law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed use permit exception is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

Action Required – Commission would take tentative motion to deny project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

#### Option 4 –Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

### **SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval & Final Agency Approval Memos
- C . Previous Project Conditions
- D . CEQA MEMO
- E . Use Permit Application Packet
- F . RSS Exception Request
- G . Biological Study
- H . Graphics

Reviewed By: Charlene Gallina