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Recommended Findings

RECOMMENDED FINDINGS

PLANNING COMMISSION HEARING – NOVEMBER 15, 2017

***Schramsberg Winery Entry Gate
Use Permit Conservation Exception Request, Application P17-00288 – UP
3999 St. Helena Highway, Calistoga
Assessor's Parcel No. (APN) 020-230-001***

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 new structures, including single family residences, a second dwelling unit, appurtenant structures, and road improvements; 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. An unnamed county definitional stream is located on the project site. In order to evaluate potential impacts on the stream, the stream setback was calculated pursuant to County Code Section 18.108.025. The proposed entry gate is located within the 45-foot stream setback. Installation of the gate would require disturbance of approximately 30-35 square feet within the stream setback. The area of disturbance would be entirely within the gravel shoulder and would require minimal vegetation removal, limited to incidental ruderal vegetation within the shoulder. While mature trees bound the location of the proposed gate, no trees would be removed. Thus, no riparian or woodland habitat that would be disturbed by the project. There are no wetlands in the project area. Earthwork involved would be limited to excavation for 18-inch diameter concrete footings 48 inches in depth, and a narrow/shallow trench (6 to 12 inches wide and 24 inches deep) to supply power to the gate. Slopes in the vicinity of the project area are relatively shallow, not exceeding 15 percent. The project will not have an impact on the stream.

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 entry gate, consisting of gate pillars, concrete pads for the pillars, and automated gate, 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.

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 November 3, 2017, 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 ongoing groundwater or wastewater treatment demands. The entry gate will serve an existing winery and is intended to provide security to the winery during non-work hours. 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. The proposed project will occur within the existing gravel shoulder and result in disturbance to approximately 30-35 square feet of ground surface, which is vegetated with ruderal vegetation. Additionally, the gate has been designed to comply with Napa County Road and Street Standards, one of the intents of which is to establish a uniform set of standards for public and private roads that strive to 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 be within an existing access easement, allowed under a previous exception to the County's Conservation Regulations, which currently encroaches into the stream setback required pursuant to County Code Section 18.108.025. Allowing the gate within the easement in its current location, which would result in no tree removal, is consistent with Goal CON-6, which encourages the preservation of woodlands for their environmental and open space value. Although the gate will be within the required stream setback, the project has also been designed to minimize earthwork and consists of a small footprint within the gravel shoulder, 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 impact nor cause removal of any vegetation along the stream that provides a buffer between roadway and water resources, 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 gate is not a development project and thus, will have no ongoing water demands that will result in extraction of groundwater over the long-term.

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 gate requires less than 5 cubic yards of earthwork, and would not change the existing natural landform. The project will result in 30-35 square feet of surface disturbance and include minimal cut for the 48-inch deep concrete footings and 24-inch deep trench.

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 in the vicinity of the gate alignment are generally shallow, ranging from 1 to 14 percent. The proposed gate results in no changes in grade and requires minimal earthwork, and will be at grade with the existing roadway.

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 trees. The area of disturbance is existing gravel shoulder, and only small quantities of ruderal vegetation may require removal.

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

Analysis: The proposed project has been designed in accordance with the most recent amendments to the Napa County Road and Street Standards, one of the intents of which is to establish a uniform set of standards for public and private roads that strive to provide adequate safety and service. The gate will be equipped with a Knox box to allow emergency access at all times.

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

Analysis: Encroachment of the gate into the stream setback is consistent with the alignment of the access easement previously granted an exception to the County's Conservation Regulations. Although the gate 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 data do not indicate presence of any sensitive species or sensitive species' habitat near the proposed gate. The proposed gate will be constructed within the gravel shoulder of the existing road, an area previously disturbed and graded. None of the native vegetation bounding the gate location on either side will be impacted.

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 gate includes negligible new impervious surface, which will not add to stormwater runoff before discharge of the runoff into the unnamed stream. The project has been reviewed by the County's Engineering Division staff, who recommend approval of the project.