

“A”

Recommended Findings

Cardey Residence Driveway Repair Use Permit Exception to
the Conservation Regulations, #P18-00116-UP &
Request for Exception to Road and Street Standards
Planning Commission Hearing June 20, 2018

RECOMMENDED FINDINGS

PLANNING COMMISSION HEARING – JUNE 20, 2018

***Cardey Residence Driveway Repair
Use Permit Conservation Exception Request, Application P18-00116-UP and
Request for Exception to Road and Street Standards (RSS)
1100 McCormick Lane, Napa
Assessor's Parcel No. (APN) 050-270-009***

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. As set forth in the attached memorandum, the project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the following Sections: CEQA Guidelines Section 15301 (Categorical Exemption Class 1 Existing Facilities), which exempts repair, maintenance, or minor alteration of existing facilities involving negligible or no expansion of use, and Section 15302 (Categorical Exemption Class 2 Replacement or Reconstruction), which exempts replacement or reconstruction of existing facilities on the same site and with the same purpose. The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962.5.

EXCEPTION TO NAPA COUNTY ROAD AND STREET STANDARDS:

The Planning Commission has reviewed the request for an exception to the Napa County Road and Street Standards (RSS) and makes the following findings:

2. The exception is necessary to accommodate existing physical site limitations and legal constraints, pursuant to Napa County RSS Section 3(d).
Analysis: The request for an exception to allow for a maximum slope of 19.5 percent and an inside radius of curvature of 25 feet along parts of the private roadway is based on limiting factors of the site: the area is constrained by significant grade differentials on either side of the proposed project footprint and by and the stream. The area available for the driveway is also constrained on both sides by neighboring properties, limiting the area available for reduction in longitudinal slope or expansion of inside radius of curvature. Granting the request will also result in less mature tree removal and reduced earthwork.
3. Granting the exception will provide the same overall practical effect of providing defensible space and consideration toward life, safety, and public welfare. The proposed driveway improvements meet all other RSS requirements, including an emergency vehicle turnout, and require an exception only along portions of the length of the project.

USE PERMIT:

4. 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 driveway repair, consisting of removal of the damaged road sections, excavation and compaction of a portion of the slope failure area that falls within the proposed driveway location, and the placement of asphalt, encroaches 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).

5. 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 have been met. On June 8, 2018, notice of public hearing and intent to adopt Categorical Exemptions 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.

6. 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 driveway will serve an existing residence and is intended to provide private access. 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 project will reduce the overall amount of asphalt within the stream setback, and the existing portions of the driveway compromised by the landslide would be removed. The project has been reviewed by the Fire Department and the Engineering Division, which supports approval of the project with conditions.

7. 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 generally follow the alignment of the existing compromised driveway, which was in place prior to adoption of stream setbacks required pursuant to County Code Section 18.108.025. Although the driveway will be within the required stream setback, the project has also been designed to minimize earthwork and consists of drainage improvements, in compliance with County stormwater quality control regulations intended to minimize sediment and pollutant discharge into the County's streams and waterways. The drainage improvements will reduce runoff to steelhead critical habitat, supporting General Plan Policy CON-11. The proposed alignment reduces the amount of paved surface within the stream setback, removes only five native trees, which will be replaced, and protects habitat of special status species, supporting General Plan Policy CON-13. 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.

8. 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 driveway will have no ongoing water demands that will result in extraction of groundwater over the long-term.

EXCEPTION TO CONSERVATION REGULATIONS:

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

Analysis: The design of the driveway repair reduces the total amount of asphalt within the creek setback, and requires minimal earthwork to conform with the surrounding natural topography. The existing driveway compromised by the landslide will be removed and the slide area graded to a smooth surface to encourage sheet flow.

10. 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 proposed driveway is designed to minimize cut and fill and the need for structural support. The driveway involves cut to a maximum depth of 4 feet, and generally conforms to the existing terrain.

11. 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: Vegetation removal will occur only within the project footprint where necessary for driveway improvements. The five native trees proposed for removal will be replaced with nine native trees within the temporary disturbance area. All disturbed areas will be seeded and mulched.

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

Analysis: The project includes an emergency vehicle turnout within the driveway realignment, and the turn at the top of the project area will be widened for better access to the existing residence.

13. 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 project into the stream setback is limited to the area required to repair the driveway within the existing constraints of property lines and topography. A stormdrain outlet and rockslope protection are the only improvements within the top of bank; this work will be completed by hand between June 1 and October 15.

Although the driveway will be within the required stream setback, the project will not result in any impacts to the stream.

14. 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 Biological Assessment did not document any special status species onsite, and determined special status plant species were unlikely to occur. Pre-construction surveys, water quality BMPs, and drainage improvements will avoid any potential impacts to pallid bat and steelhead.

15. 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: An erosion control plan is included on Sheet C10 of the plans, prepared in accordance with Section 18.108.080 and approved by the director or designee.