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CEQA Exemption Memo

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

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David Morrison
Director

MEMORANDUM

To: Planning Commission	From: Kyra Purvis, Planner II

Date: May 24, 2018	Re: Cardey Residence Driveway Repair CEQA Determination Use Permit Exception to the Conservation Regulations, P18-00116 and Exception to Road and Street Standards 1100 McCormick Lane, Napa Assessor's Parcel No. 050-270-009

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed Cardey Residence Driveway Repair Use Permit Exception to the Conservation Regulations and Request for Exception to Road and Street Standards (File No. P18-00116).

The project is located on a 14.95-acre parcel at 1100 McCormick Lane in Napa (Assessor's Parcel Number 050-270-009). The property is within the AW (Agricultural Watershed) Zoning District. The proposed project is a request for an exception to the Napa County Conservation Regulations, Napa County Code (NCC) Chapter 18.108, in the form of a Use Permit, in order to allow the reconstruction and relocation of a private driveway to encroach into the minimum required 55- to 65-foot stream setback from the top of bank of Browns Valley Creek, a blue-line and County definitional stream (as defined in County Code Section 18.108.030). The driveway that provided access from McCormick Lane to the existing residence was damaged by a landslide in February, 2017 and made unusable. The driveway and residence were established in the mid-1990s; since that time the property has been modified with a pool and retaining wall. The project includes a request for approval of an exception to Napa County Road and Street Standards (RSS) to allow for a non-standard longitudinal slope and a horizontal inside radius of curvature of less than 50 feet.

The current alignment of the driveway was approved in 1991, prior to adoption of the stream setbacks required in NCC 18.108.025. The project parcel is narrow and entirely within the stream setback as it approaches McCormick Lane; the parcel has no frontage to a public road outside of the stream setback. The applicant has an existing access easement for a small segment of the driveway where it passes through the adjacent parcel (Assessor's Parcel No's 050-270-027) owned by the Dyer family and intersects McCormick Lane.

The proposed driveway reconstruction is approximately 0.1 miles (550± feet) long with a width of 10 to 20 feet wide; the total project area is approximately 0.4 acre. The proposed modifications to the existing compromised driveway include the 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. The project also includes the construction and repair of drainage facilities including culverts, swales, a detention basin, bank stabilization, and stormdrains. Work within the top of bank of Browns Valley Creek includes extending a storm drain outlet and placement of rock slope protection to prevent erosion.

The majority of the area in which the reconstructed asphalt-paved driveway would occur is substantially disturbed due to the existing compromised driveway and the landslide. The proposed realignment would 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 exception to Napa County Road and Street Standards is supported by the Napa County Engineering Division, which would also have the added benefit of reducing the driveway footprint.

Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) establishes a list of classes of projects that are categorically exempt from the provisions of CEQA, including 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.

Under CEQA Guidelines Section 15300.2, a Categorical Exemption cannot be used if environmental sensitivities exist at the site. Browns Valley Creek 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. A portion of the proposed driveway repair is located within the 55- to 65-foot setback from the top of bank. Reconstruction and relocation of the driveway would require disturbance within the top of bank (to extend a stormdrain and install riprap to prevent further erosion) and within the stream setback extending from the top of bank (to remove the compromised driveway and install the new driveway).

A Biological Assessment memorandum was prepared for the project in order to evaluate any potential biological resources within the area and assess potential impacts. As noted above, much of the project area within the stream setback is already disturbed, and the project would require minimal vegetation removal. The project involves the removal of nine trees, including three California bay and two coast live oak (the remaining trees are non-native ornamentals). The closed canopy in the area shades much the project area and, coupled with the landslide impacts and emergency work done after the landslide, limits the understory vegetation. There are no wetlands in the project area, and no special status species were observed onsite. Browns Valley Creek is critical habitat for steelhead (*Oncorhynchus mykiss*), but there would be no impacts to the stream and the storm water system of the improved driveway will help to protect water quality in Browns Valley Creek. Earthwork involved would be limited to excavation and compaction of a portion of the slope failure, at depths up to 4 feet over a total area of disturbance of approximately 0.4 acre. Slopes in the vicinity of the project area are moderate, ranging from 15 to 25 percent.

The Biological Assessment memorandum determined it is unlikely for any special status plant species to occur within the project area, but that there is moderate potential for two special status animal species: Pallid bat (*Antrozous pallidus*), a California Department of Fish and Wildlife (CDFW) Species of Special Concern, and steelhead, which is listed as threatened under the federal Endangered Species Act (ESA).

Preferred habitat for the pallid bat typically consists of open forests and woodlands with sources of water over which to feed. The pallid bat prefers to roost in cliffs and rocky outcrops but may also use buildings and hollow trees. Large trees that may have crevices or holes could potentially provide spaces for pallid bat, which has occurrences within three miles of the project. In order to avoid impacts to the pallid bat, the project as proposed includes pre-construction surveys to determine if bat species are present in any trees proposed for removal between April 16 and August 30. If bats are found to be present a plan for removal or exclusion will be developed by a qualified biologist in conjunction with the County Planning Division and CDFW. The project also includes pre-construction bird surveys to avoid any potential impacts to nesting birds.

Browns Valley Creek is designated critical habitat for steelhead because it is a tributary to and forms Napa Creek at the confluence with Redwood Creek. Napa and Redwood Creeks are documented as occupied by steelhead, while Browns Valley Creek is not. Browns Valley Creek contributes flows to promote steelhead in the downstream system, but does support steelhead on its own. While it is possible that steelhead could migrate into upstream areas of Browns Valley Creek during high flows from Napa or Redwood Creeks, the Browns Valley Creek is usually dry by early spring; steelhead require a year in streams before migrating to ocean waters, so Browns Valley Creek is unsuitable. However, in order to avoid any potential indirect impacts to steelhead, water quality of Browns Valley Creek will be protected through the implementation of Best Management Practices (BMPs). These BMPs include extensive erosion control measures as shown in Sheet C10 of the plans: wattle sediment barriers, erosion control blankets, and silt fences. The storm water system of the improved driveway will also help protect water quality in Browns Valley Creek. The new detention basin near the upslope end of the driveway will detain water and slow runoff, as well as allow some groundwater infiltration, which may improve base flows in Browns Valley Creek. The rocked ditches and storm drain inlets along the proposed driveway, and installation of rock energy dissipaters at two culvert outfalls will also help reduce erosion and sediment in runoff. As added precautions, work will occur after June 1 in order to avoid the winter rainy season, and work within the top of bank will be performed with hand tools only. No heavy equipment will be used in the stream, and the wetted area of the stream will be avoided. NCC Section 18.108.07(L) requires all earthwork to stop and all erosion control measures to be in place by October 15.

The project also includes a tree replanting plan in order to revegetate the area. Five California bay trees and four coast live oak trees will be planted within the temporary disturbance area. Prior to project implementation, a restoration plan will be prepared by a qualified biologist or landscape architect that details the replanting. All disturbed areas will be seeded and mulched. The project also includes tree protection by creating a tree protection zone (TPZ) around all trees within 25 feet of the project area, which is generally defined as the dripline of the tree. The TPZ will be free of equipment and personnel and no trenching will occur within the TPZ, unless otherwise noted on the plans.

Geotechnical and Hydraulic studies were also prepared for the project. The Geotechnical Study concluded that the project as designed is in conformance with their recommendations. The Hydraulic Analysis concluded that the proposed storm drain system is sufficient to handle 10-year and 100-year storm events.

The proposed project would not result in any changes to the use of the property. There are no designated historic structures on or adjacent to the property, and the site of the proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Based on the proposed project as described above, the Cardey Residence Driveway Repair Use Permit Exception to the Conservation Regulations and Exception to the Road and Street Standards request meets the criteria for eligibility as Class 1 and Class 2 Categorical Exemptions from CEQA.

Should you have any questions, please contact Kyra Purvis at (707) 299-1788 or via email at kyra.purvis@countyofnapa.org.