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# Road and Street Standards Exception Request and Tentative Approval



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**Napa County Public Works**

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Napa, CA 94559-3092  
[www.countyofnapa.org/publicworks](http://www.countyofnapa.org/publicworks)

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**Steven E. Lederer**  
Director

November 15, 2019

Mr. Mathew Bruno  
Mathew Bruno Wines Tasting Room  
1151 Rutherford Rd.  
Rutherford, CA

Subject: Left Turn Exception Request; Mathew Bruno Wines Tasting Room Use Permit #P17-00387  
APN 030-160-007

Dear Mr. Bruno:

Thank you for your letter dated October 17, 2019, requesting an exception from the Napa County Road and Street Standards, which would otherwise require installation of a left turn lane at the intersection of Grape Lane and Rutherford Cross road (State Route 128). The requirement is prompted by the property owner's request for a Use Permit (#P17-00387) to establish a tasting room at 1151 Rutherford Rd.

**Basis for Request:**

In support of your request, you offer that:

1. Installation of the left turn lane would result in the removal of two heritage Oak trees. (It is noted that one of the trees is not actually an Oak, but is still a significant tree). Besides the normal impact of the removal of these trees, the impact is exacerbated by the designation of State Highway 128 as a state Scenic Highway.
2. A code compliant left-turn lane will not physically fit within the existing roadway. This is a limiting factor and legal impediment. While the County often requires applicants to obtain additional ROW in more rural settings, obtaining additional right-of-way in this already congested commercial area would be very challenging without disturbing existing uses.
3. Installation of the left turn lane could make the area less safe by removing existing parking and lengthening the crossing distance for pedestrians.

**Discussion:**

The standards for waiving a left turn requirement are difficult to meet. The County has one opportunity to ensure the needed facilities are installed, even though the project will exist many decades into the future. As such the findings to waive the left turn requirement are challenging. Significant hardship needs to be showed, including the presence of natural water courses, steep slopes, geological features or heritage trees, etc. Neither minor earthmoving, reasonable cost, nor inconvenience is a factor to be considered. While all projects are evaluated based on their specific facts, and approval of one project does not set a precedent for any other, there are nonetheless elements of this proposal, if approved, which taken by themselves may incorrectly encourage others to request inappropriate exceptions using this decision as its basis.


**Determination:**

I tentatively find that the left turn lane need not be installed for this project based on items 1 through 3 listed above. This decision shall automatically become final upon the Planning Commission's final action on the underlying use permit, this this determination relies on the project's CEQA analysis.

While not directly connected, I do note that the project applicant has proposed to install a pedestrian crossing in front of the project, install a sidewalk on their frontage, and has agreed to pay into the upcoming traffic impact fee program. These are valuable contributions to the greater good.

This decision may be appealed to the Board of Supervisors following the Planning Commission's decision on your project as a whole and based on the record before the Planning Commission. If you have any questions please feel free to contact me.

Sincerely,



Steven E. Lederer  
Director of Public Works

Cc: David Morrison, Director, Planning, Building, and Environmental Services  
PBES Project Planner  
Laura Anderson, Deputy County Counsel

Mathew Bruno Wines  
P.O. Box  
Rutherford, California 94563

October 17, 2019

Steven Lederer, P.E., Director  
Department of Public Works  
County of Napa  
1195 Third Street, Suite 101  
Napa, California 94559

Re: Request for Road and Street Standards Exception—Mathew Bruno Wines  
Tasting Room-Use Permit Application #P17-00387 1151 Rutherford Road,  
Rutherford, CA. APN 030-160-007

Dear Mr. Lederer:

The traffic study (TIS) prepared for the Mathew Bruno tasting room concluded that a left turn lane at the Grape Lane/Rutherford Road intersection is already warranted by **existing**, ‘No Project’ conditions. Under County protocol, the proposed project is solely responsible for constructing a left turn lane at the aforementioned intersection. A request for an exception to the Napa County Road and Street Standards (RSS) to eliminate the left turn lane requirement is being filed in conjunction with the pending application for the Bruno Tasting Room located in Rutherford

It is our understanding that Section 3(g) of the RSS allows the Director of Public Works to approve road exceptions within a public right of way provided that the exception meets one or more of the findings in paragraphs 3(d) and 3(e) of the RSS.

For the reasons discussed below and with the voluntary measures incorporated into the project design, we believe that required findings in Section 3(g) and 3(e) are met. Further, the measures incorporated into the project design provide the same overall practical effect toward providing defensible space and protecting life, safety and public welfare.

### **Project Description**

The proposed project involves the re-purposing and renovation of an existing 1500 +/- s.f. **historic** residence to a wine tasting room for Mathew Bruno Wines. The residence was constructed in the 1880’s. The renovation was reviewed by the historic consulting firms ARG to ensure that the renovation will not have an adverse impact on the historic resource.

The project site is 0.38-acres and is located at the southeast corner of State Highway 128/Rutherford Road and Grape Lane. Grape Lane is a private driveway that provides access to the subject property, a vineyard, and seven (7) residences.<sup>1</sup>

The project site is currently zoned C-L (Commercial Limited). This zoning district allows tasting rooms upon approval of a use permit. Currently the residence is being used as an office without county approval. Eleven (11) employees currently occupy the building. Prior to its conversion to office use, the building was occupied as a single-family dwelling.

### **Required Findings**

Paragraph 3(d) & (e) list the required findings for the Director to grant an exception for improvements required on a public road or drainage facility. The Director must make at least one of the following findings:

1. The exception will preserve unique features of the natural environment which includes but is not limited to, natural watercourses, steep slopes, geologic features, heritage oak trees, or other trees of at least 6” dbh and found by the decision maker to be of significant importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like;
2. The exception is necessary to accommodate physical site limitations such as grade differentials; and/or
3. The exception is necessary to accommodate other limiting factors such as recorded historical sites or legal constraints.

Section 3(e) requires the Director to make additional findings relating to the provision of defensible space, life, safety, and public welfare.

The remainder of this letter provides justification for the requested exception.

### **Factors in Support of Required Findings**

We believe based on the factors discussed below that the required findings 3(d) & (3) and 3(e) can be made by the Director.:

#### Preservation of Heritage Trees

This paragraph allows the director to approve exceptions if the exception would preserve heritage oak trees, or other trees of at least 6” dbh

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<sup>1</sup> The right of the applicant to continue to use Grape Lane was confirmed by court action in July 2019

As illustrated by the GHD exhibit, construction of the left lane and associated improvements cannot be constructed within the current curb-to-curb width on this segment of Rutherford Road. In order to accommodate the left turn lane, two travel lanes and two bike lanes, without on street parking a minimum curb-to-curb width of 43'-46' is required. Retaining existing on-street parking would require a minimum curb-to-curb width of 59'-62.' Therefore, to accommodate either of the two scenarios depicted in the GHD exhibit road widening and acquisition of additional right of way would be required.

As illustrated on the attached exhibit, widening of Rutherford Road in the vicinity of the two (2) heritage oak trees will require between 5½ and 13' of additional property to construct the required left turn lane pursuant to the Chapter 300 of the CALTRANS Highway Design Manual. Widening of Rutherford Road will result in removal of these two (2) heritage trees. Note the root balls of these two (2) trees each of which is over 24" dbh are currently located either on right on the existing back of curb or within 18".

In addition to meeting the criteria for preservation under the RSS, these trees could also be considered historic resources due to their age and girth. They are also the western most stand of heritage oak trees that line Rutherford Road from the Napa River crossing to Highway 29. State Highway 128 was recently declared as a scenic highway by the State of California, owing in part to the heritage oak trees that line the highway. As a consequence, CEQA compliance may be required review prior to any removal.

Conversely, the granting of the exception would preserve two (2) heritage oak trees that contribute so much to the Rutherford area.

#### Other Limiting Factors

This finding allows for the director to approved an exception to County Road and Street standards if the "exception is necessary to accommodate other limiting factors such recorded historic sites or legal constraints.

As noted on the attached plan prepared by GHD, Inc. a left turn lane designed to meet CALTRANS standards will not 'fit' within the existing curb to curb width of 36-40' curb to curb width in the vicinity of Grape Lane and Rutherford Road where the required left turn lane would be constructed.

Acquiring additional right of way from non-project property owners is a legal constraint to constructing the left turn lane, as the applicant does not own or control the property along the length of the left turn lane. For its part, the county may have to acquire additional right of way by eminent domain or other means, on both sides of the Rutherford Road yet another legal construction to the construction of a left turn lane. Acquiring the necessary property (particularly on the south side of Rutherford) would adversely affect existing uses such as the Luna market parking area, Elizabeth Spencer Tasting room and potentially the warehouse at the southeast corner of Rutherford Road and Highway 29. On the north side of Rutherford Road, construction of the left turn lane and associated improvements could impact existing planters and driveway at Rancho Caymus Inn.

#### Provision of defensible space, life, safety, and public welfare

Section 3(e) requires the Director to make additional findings relating to the provision of defensible space, life, safety, and public welfare. GHD noted in the TIS that there are presently “no pedestrian crosswalks on either SR-29 or Rutherford Road . . .”<sup>2</sup> Absent designated crossing, pedestrians parking or visiting businesses on the south side of Rutherford Road are limited to **unprotected** crossing at either mid-block or at nearby intersections.

While not a requirement for approval of a road exception or building occupancy, based on recommendations by the County, the applicant has agreed to include the financing and construction of a lighted mid-block crossing (with RRFB’s) in a location approved by Caltrans in the project. Improving pedestrian safety for those wishing to cross Rutherford Road promotes the public welfare, a required finding to approve the requested exception.

In addition to this agreement to construct a protected crossing on Rutherford Road the applicant has agreed participate in a future impact fee program, if adopted within two (2) years of permit approval. The impact fee would be based on the number of peak hour project trips to help with funding of roadway improvements at the intersection of Rutherford Road and State Highway 29 as called for in the Circulation Element of the General Plan. A set fee will be provided by the County

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<sup>2</sup> Ibid

prior to permit approval. As a (minor) contributor to traffic at this intersection, circulation improvements are beyond the scope of the project alone. This contribution of off-site improvements provides additional benefit to the general public and promotes the general welfare of the County.

### **Conclusions and Recommended Findings**

In order to approve an exception, one or more of the findings below must be made:

1. The exception will preserve unique features of the natural environment which includes but is not limited to, natural watercourses, steep slopes, geologic features, heritage oak trees, or other trees of at least 6" dbh and found by the decision maker to be of significant importance;
2. The exception is necessary to accommodate physical site limitations such as grade differentials; and/or
3. The exception is necessary to accommodate other limiting factors such as recorded historical sites or legal constraints.

As illustrated by the GHD exhibit, a left lane and associated improvements cannot be accommodated within the current curb-to-curb width on this segment of Rutherford Road. Additional right of way from abutting properties along all or portions of Rutherford Road from Highway 29 on the west to the Luna Market on the east may be required before construction of a left turn lane could occur. Acquisition of additional right of way is beyond the purview of the application; and construction of the left turn lane cannot proceed with this additional right of way, a significant legal constraint.

In addition to the lack of right of way to accommodate a left turn lane, construction of left turn even if right of way was available will result in the removal of two (2) heritage oak trees, each over 100 years old and over 24" dbh. The root balls of these two heritage oak trees are currently located within 18" of the edge of the existing curb. These trees as integral parts of oak tree corridor that lines Rutherford Road from Highway 29 to the Napa River. As a consequence of their age and size, these two tree should be considered as historic resources as defined by CEQA. Any removal would a potentially adverse impact on these historic trees and likely require CEEQA review. Granting of the requested exception will preserve these two (2) heritage, 100+-year-old oak trees.

The agreement by the applicant to finance the constraint of a protected crosswalk on Rutherford Road and to participate in the traffic impact fee program to help fund regional traffic promotes the public health, safety



and welfare.

It is recommended that the Director make the findings required in paragraph 3(e1 & 3) and 3 (e) and grant the requested exception to the county road and street standards.

Enclosures:

- Schematic of Left Turn Lane, dated prepared by GHD;
- Memorandum from Peter Galloway, GHD, confirming lack of fit and need for additional right of way for left turn lane construction; impact on two (2) heritage trees;
- Schematic of existing and proposed Rutherford Road with and without left turn lane improvements



# Memorandum

October 17, 2019

To: Mr. Steve Lederer, P.E., Director  
Napa County Public Works Dept.  
1195 Third St., Suite 101  
Napa, CA 94559

Project: Mathew Bruno Wine Tasting Room  
Use Permit Application #P17-003878  
1151

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From: Peter Galloway  
Senior Transportation Planner  
George W. Nickelson, PE, TE  
Senior Project Manager

Ref/Job No.: 11153617

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CC: Mathew Bruno, Mathew Bruno Wines  
Ashley Lewis, Mathew Bruno Wines  
Jeffrey Redding, AICP, Planner

File No.: C2464MEM003.DOCX

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**Subject:** Rutherford Road Southbound Left-Turn Lane; Minimum Caltrans Requirements and Constraints Associated with Existing ROW

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The following technical memorandum is in support of the “Request for Road and Street Standards Exception—Mathew Bruno Wines Tasting Room-Use Permit Application #P17-00387 1151 Rutherford Road, Rutherford, CA APN 030-160-007.” Specifically, the installation of a southbound left-turn lane as required by Napa County has been further evaluated based on minimum Caltrans/Napa County requirements for roadway improvements. The following sections describe the existing Rutherford Road physical characteristics, minimum left-turn lane Caltrans design requirements, and ROW constraints for installation.

## **Rutherford Road:**

Rutherford Road extends east from State Route 29 through Rutherford providing access to commercial, winery, restaurant, and lodging uses within an approximate 1,000-foot segment. The proposed project site is located within this segment of Rutherford Road at the southeast corner of Grape Lane. As per the traffic impact study (TIS) prepared for the proposed project, a southbound left-turn lane would be warranted at Grape Lane under existing (no project) conditions. The proposed project would add to these left-turn lane warrants.

The segment of Rutherford Road at Grape Lane varies in curb-to-curb width from 36-40 feet and this configuration extends from SR-29 east to the existing Luna Market and Rancho Caymus Inn (east of Grape Lane). Within this roadway segment, there is a continuous pedestrian sidewalk on the north side of



Rutherford Road that extends through to Ranch Caymus Inn. The south side of the roadway segment has discontinuous sidewalks. There are also multiple driveways along Rutherford Road in this segment that serve Elizabeth Spencer Winery, Rutherford Grill, BV Winery, Luna Market, and Rancho Caymus Inn. Grape Lane extends south from Rutherford Road and provides access to existing single-family residences, a vineyard, and Elizabeth Spencer Winery areas. On-street parking is allowed on both sides of Rutherford Road in this commercial segment except where existing natural impediments (trees on north side of street) preclude parking.

## **Minimum Caltrans Left-Turn-Lane Requirements**

### **1. Left-Turn Lane Design**

As per Caltrans and Napa County design guidelines for the installation of a left-turn-lane, the length and width of the circulation improvement is based on vehicle speeds and minimum lane requirements for median, taper, and left-turn lane storage (see attached). To install a left-turn on Rutherford Road at Grape Lane, an over length of 195-feet would be required to accommodate the transition, taper, and deceleration/storage lanes. The overall width of the improvement would require 35-feet (two 12-foot travel plus 11-foot deceleration/storage lane). With the required transition and taper lengths striped with double-yellow paint markings, existing driveway access would be limited at the adjacent BV Winery, Rancho Caymus Inn, and Luna Market to right-turns inbound/outbound only (see attached—Potential Effects of Left-Turn Lane at Grape Lane). In addition, there would be a complete loss of on-street parking along the entire transition areas of the left-turn lane improvement area.

### **2. Minimum Caltrans Improvements Associated with Left-Turn Lane Installation and ROW Constraints**

Based on the Caltrans Highway Design Manual (and Napa County Pedestrian and Bicycle Plan), the improvement of a southbound left-turn lane at Grape Lane would at a minimum require the installation of Class II bike lanes on Rutherford Road in the area that would require an additional 10-feet of roadway width (see attached—Required Roadway Widths to Accommodate Left-Turn Lane on Rutherford Road at Grape Lane-Figure 1). As noted, the existing curb-to-curb width varies on Rutherford Road between 36-40 feet in the study area. With installation of Class II bike lanes, the required ROW would be 43-feet (Caltrans prefers 46-feet). These improvements would require an additional 3-6 feet of ROW not controlled by the project applicant.

To accommodate both Class II bike lanes and prevent the loss of on-street parking, an additional 16-feet of roadway width would be required for parking lanes (plus 10-feet for bike lanes). In total, the required ROW would be 59-feet (Caltrans prefers 62-feet). These improvements would require an additional 19-22 feet of ROW not controlled by the project applicant.

### **3. Minimum Caltrans Cross Sections at Existing Heritage Trees and Historical Project Frontage**

Based on the same minimum Caltrans requirements for the installation of Class II bike lanes and preserving on-street parking, the required roadway cross-sections on Rutherford Road have been shown in Rutherford Road ROW Requirements: Caltrans Cross Sections for Bike/Parking Lanes (Figure 2—attached).

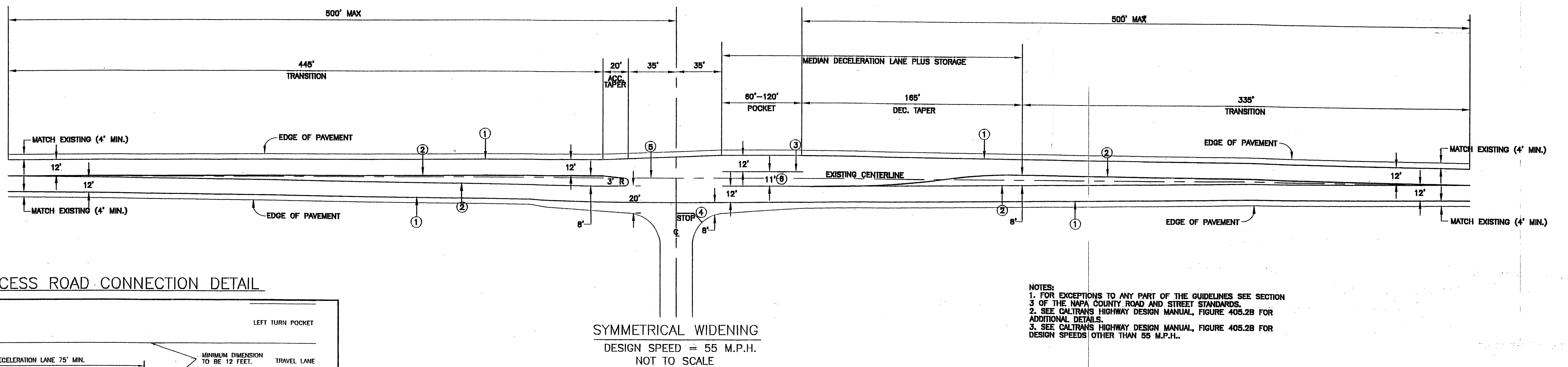
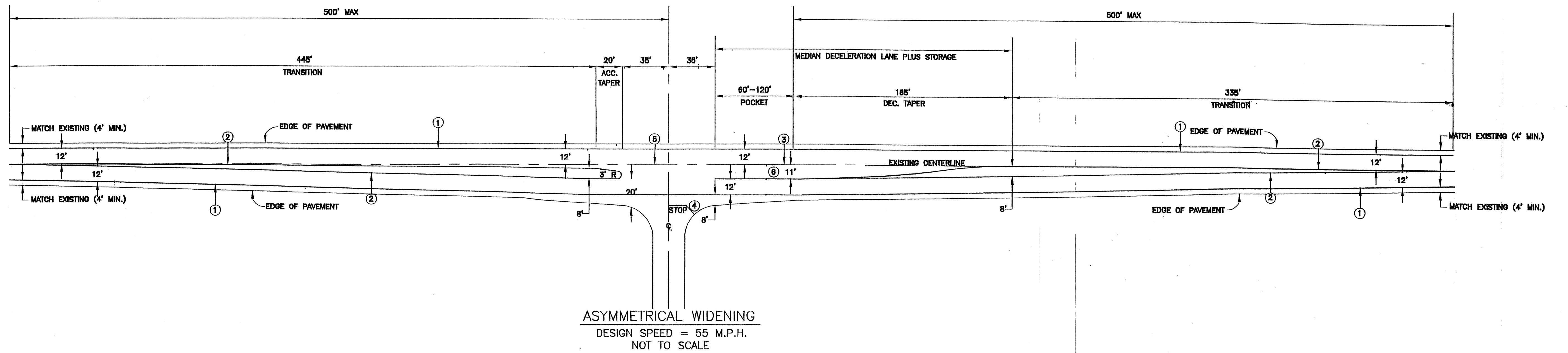
Evaluating the specific roadway segment at the Heritage trees located on the north side of the roadway,



there is an existing 16-foot width from the Rutherford Road centerline to the face-of-curb. However, a required 21.5-foot width would be required from the centerline north to install bike lanes, two-travel lanes, and a left-turn lane on Rutherford Road. For on-street parking, bike lanes, two-travel lanes, and a left-turn lane a total width of 29.5 feet would be needed from the Rutherford Road centerline to face-of-curb. Clearly, the heritage oak trees would be affected under both scenarios. Adjacent to the historical project frontage, there is an existing 20-foot width from the Rutherford Road centerline to edge of pavement. However, 21.5 feet of width from the centerline to edge of pavement would be needed to install just bike lanes, two-travel lanes, and a left-turn lane on Rutherford Road. The taking increases to 29.5 feet with the addition of on-street parking.

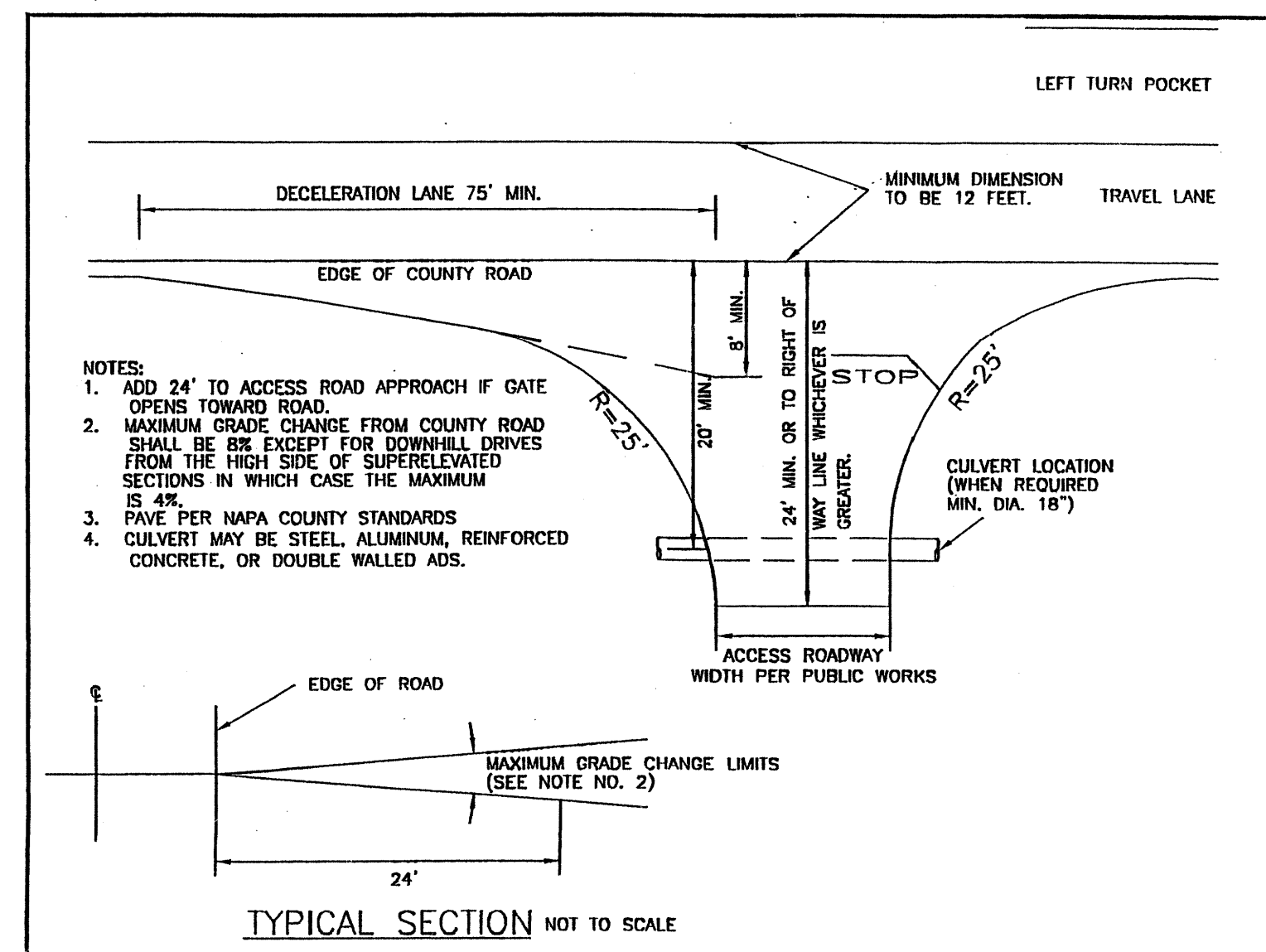
### **Summary**

The design of a southbound left-turn lane on Rutherford Road at Grape Lane combined with Caltrans and Napa County requirements for installation of Class II bike lanes would require additional ROW not under the applicant's control. The addition of on-street parking lanes (preservation) and bike lanes would require further ROW not under that applicant's control. The widening of Rutherford Road to install the minimal improvements (bike lanes, two-travel lanes, and a left-turn lane) would impact the existing heritage oak trees on the north side of Rutherford Road and the historical nature of the project frontage and site. Given the location of the heritage trees within 1-foot of the face-of-curb, installing the minimal circulation improvements that would require widening the roadway segment would result in the removal of the heritage tree(s).



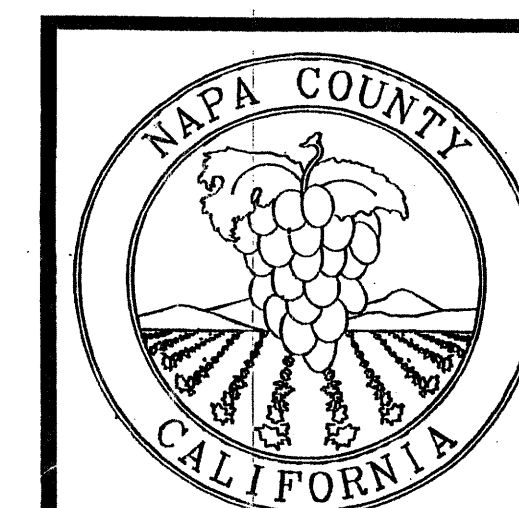
NOTES:  
 1. FOR EXCEPTIONS TO ANY PART OF THE GUIDELINES SEE SECTION 3 OF THE NAPA COUNTY ROAD AND STREET STANDARDS.  
 2. SEE CALTRANS HIGHWAY DESIGN MANUAL, FIGURE 405.2B FOR ADDITIONAL DETAILS.  
 3. SEE CALTRANS HIGHWAY DESIGN MANUAL, FIGURE 405.2B FOR DESIGN SPEEDS OTHER THAN 55 M.P.H..

**ACCESS ROAD CONNECTION DETAIL**



- NOTES:  
 1. ADD 24' TO ACCESS ROAD APPROACH IF GATE OPENS TOWARD ROAD.  
 2. MAXIMUM GRADE CHANGE FROM COUNTY ROAD SHALL BE ONE EXCEPT FOR DOWNHILL DRIVES FROM THE HIGH SIDE OF SUPERELEVATED SECTIONS IN WHICH CASE THE MAXIMUM IS 4%.  
 3. PAVE PER NAPA COUNTY STANDARDS.  
 4. CULVERT MAY BE STEEL, ALUMINUM, REINFORCED CONCRETE, OR DOUBLE WALLED ADS.

STRIPING SCHEDULE	
ALL MARKINGS TO BE 3-M SERIES 380 TAPE OR EQUIVALENT	
①	6" WHITE SINGLE LINE
②	4" DOUBLE YELLOW W/ CROSS HATCHING AS NEEDED TO INCLUDE REFLECTIVE PAVEMENT MARKERS @ 24' O.C.
③	8" WHITE SINGLE LINE TO INCLUDE REFLECTIVE PAVEMENT MARKERS @ 24' O.C.
④	12" WHITE STOP BAR & LETTERS
⑤	REMOVE EXISTING STRIPING AS NECESSARY
⑥	WHITE ARROWS



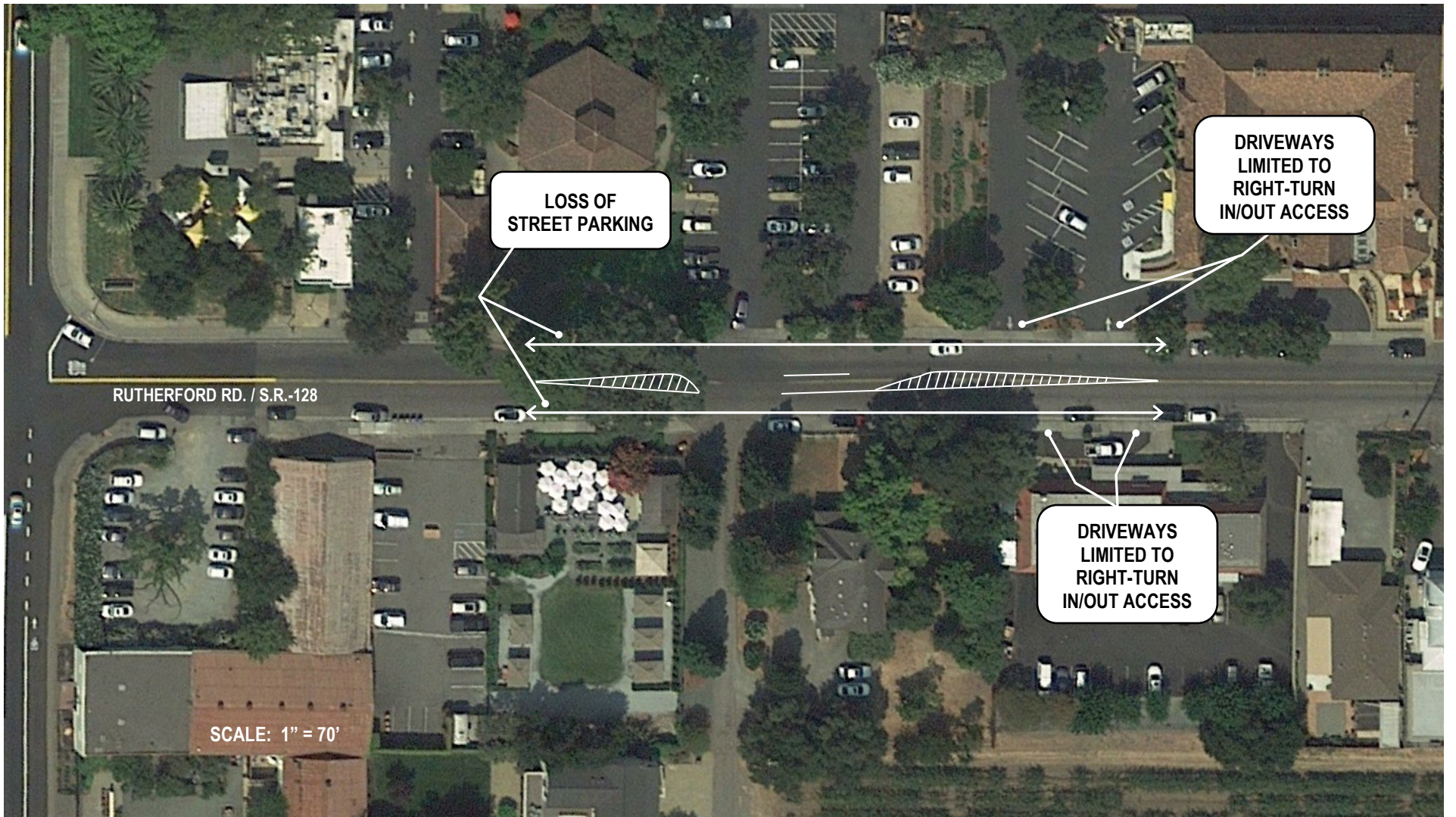
COUNTY ENGINEER  
 DATE: JULY 31, 2000  
 SCALE: NOT TO SCALE  
 FILE NAME: NCLLD2.dwg  
 SURVEY NOTE:

R.C.E. #17995  
 DESIGN:  
 DRWN:  
 CHKD:

NAPA COUNTY  
 DEPARTMENT OF PUBLIC WORKS  
 GUIDELINES FOR  
 LEFT-TURN STORAGE LANE

NAPA COUNTY  
 DEPARTMENT OF PUBLIC WORKS



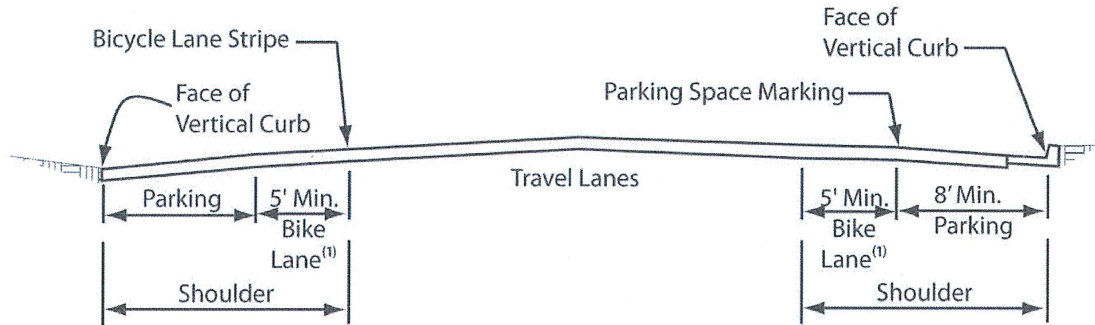


## Potential Effects of Left-Turn Lane at Grape Lane

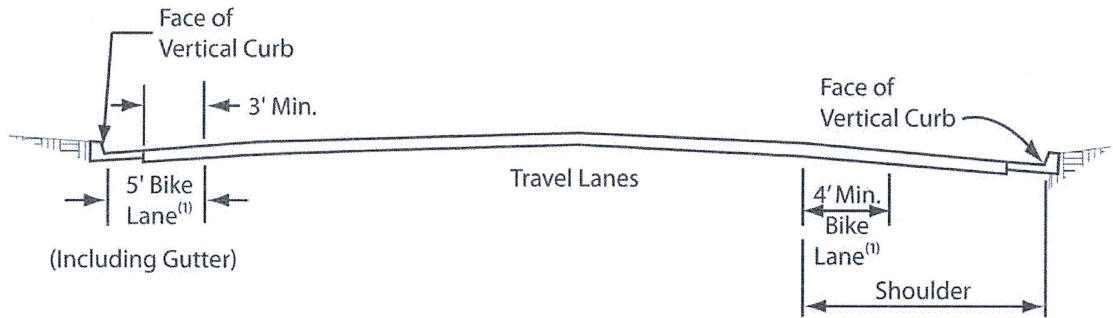


Figure 301.2A

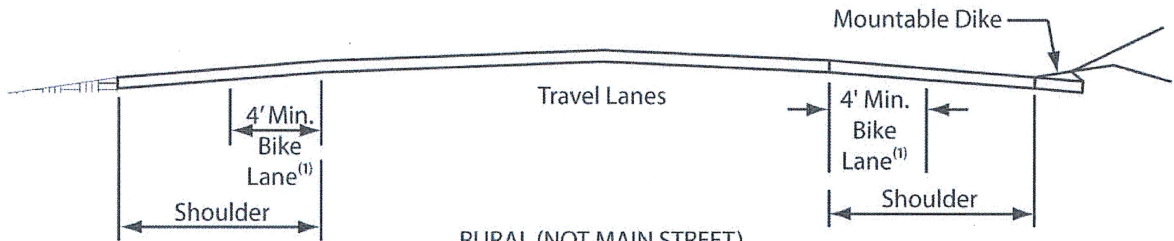
Typical Class II Bikeway (Bike Lane) Cross Sections



ON-STREET PARKING - MARKED OR UNMARKED



IN URBAN, SUBURBAN AND RURAL MAIN STREET NO PARKING

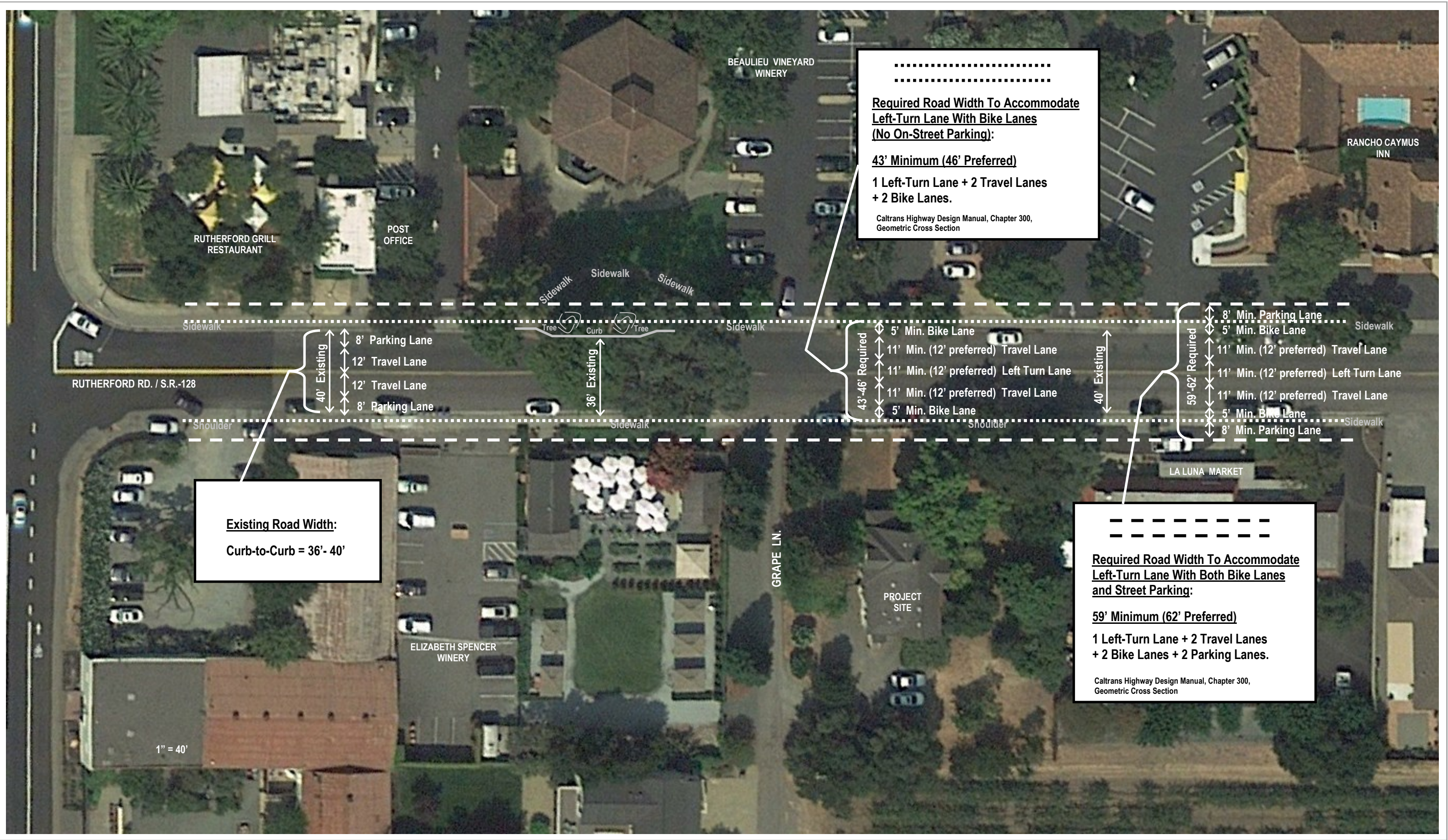


RURAL (NOT MAIN STREET)

NOTES:

- (1) See Index 301.2 for additional guidance.
- (2) For pavement marking guidance, see the California MUTCD, Section 9C.04.



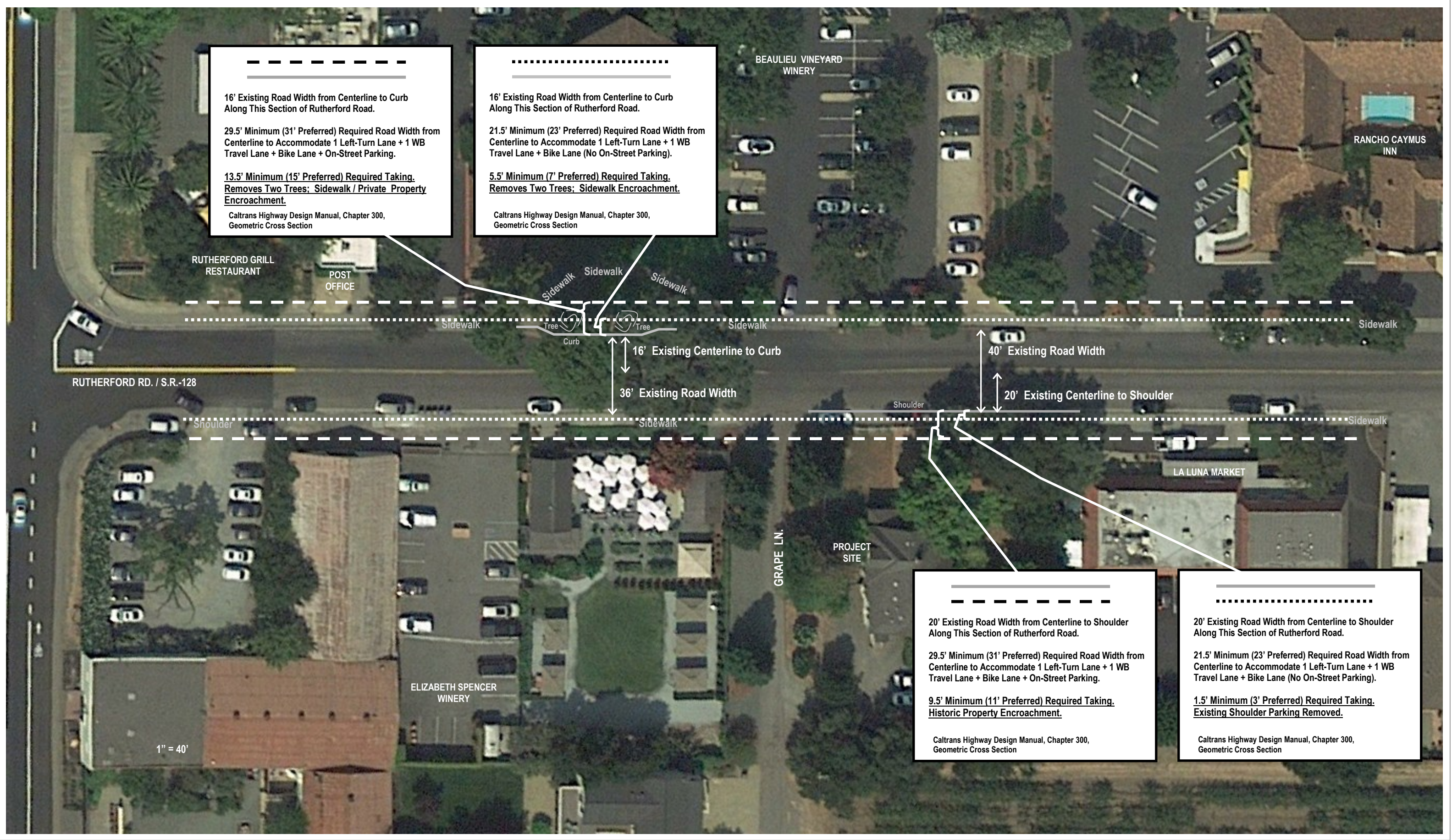


REQUIRED ROADWAY WIDTHS TO ACCOMMODATE LEFT-TURN LANE ON RUTHERFORD ROAD AT GRAPE LANE

FIGURE 1







RUTHERFORD ROAD R-O-W REQUIREMENTS: CALTRANS CROSS SECTIONS FOR BIKE / PARKING LANES

FIGURE 2

