**MEMORANDUM**

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| To: | Planning Commission | From: | Wyntress Balcher, PBES |
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| Date: | May 3, 2017 | Re: | #P17-00021- Lede Driveway Improvements-Poetry Inn, LLC Exception to Conservation Regulations and Exception to Napa County Road and Street Standards (RSS)  CEQA EXEMPTION DETERMINATION  Assessor Parcel #: 032-070-027; --28,-029; -030 |

**Background**

Pursuant to Section 303 of Napa County’s Local Procedures for Implementing the California Quality Act (CEQA), the Planning Department has prepared this environmental evaluation for the proposed Exception to the Conservation Regulations Use Permit Application (File No. P17-00021) and Exception to the Napa County RSS.

The project proposes to improve the existing access road to provide safer access to the existing Inn, existing and proposed residences, and the approved winery it serves. The Napa County Conservation Regulations (NCC18.108) establishes setback requirements between development projects and streams. As proposed, the existing road and its improvements lie within the required setback and an exception to the conservation requirement can be allowed by granting a use permit. In addition, Napa County Road and Street Standards (RRS) require that a private access driveway serving multiple residence or wineries, inns, or other commercial uses provide two 10-foot-wide travel lands (20 feet total) and a maximum 16% longitudinal slope.

The project includes a request for an exception to the Napa County Conservation Regulations to allow the construction of required additional road width improvements to an existing ±0.5 mile access road located within the required stream setback (85’ to 105’); and, the project also includes an exception to the Napa County RRS to allow for a longitudinal slope in excess of 16% for two sections of the existing driveway and to reconfirm the previously granted exception (P05-0401-UP) that covers the remaining portion of the access driveway. The existing road widths range from 15 to 16 feet. The road width is to be increased to the required 20 feet, except at the curve (STA 26+00) where the road will be increased to ±38 feet (to facilitate improved sight distance and the ability for emergency vehicles turning, climbing, accelerating and decelerating). The existing access road crosses steeply sloping hillsides however the slope along the length of the road (the longitudinal slope) can generally be described as moderate, averaging less than 20% with the exception of an isolated stretch of road that averages 22% with a very short segment (50 feet) that is inclined at 25%.

**Existing Setting**

The project is located on the east side of Silverado Trail, ±350 feet from its intersection with Yountville Cross Road on a ±29.44 ac parcel (APN: 032-070-027), crossing through two other parcels: APN: 032-070-028 (±16.92 aces), 6360 Silverado Trail; APN: 032-070-029 (±24.06 acres), 6380 Silverado Trail; and, terminating on parcel APN: 032-070-030 (± 23.30 acres), 6390 Silverado Trail. The General Plan Land Use designation is Agriculture, Watershed and Open Space, and the property is zoned Agricultural Watershed (AW).  The subject ±0.5 mile existing road provides access from Silverado Trail to the four contiguous properties: parcel #032-070-027 is used for agriculture, developed in vineyards; parcel #032-070-028 has an existing residence with pending building permits for replacement with a new residence; Parcel #032-070-029 is the site of the existing Poetry Inn; and parcel #032-027-030 has approval for a new winery and pending building permits for the construction of a new residence, a new second unit, and a new guesthouse. The property is moderately sloping (varies from 5% to 30%), climbing moderately to the northeast. Elevations range from 160 to 950 ft. MSL. Surrounding land uses are agriculture and residential. An RSS exception was previously granted for the winery to allow a reduced width on a portion of the access road not included in this project.

The project is located within an area where Geologic surficial deposits are bedrock with Late Pleistocene-Holocene fan deposits, overlain by soil types: Bale Clay loam (2%-5% slopes); Kidd loam (15%-30% slopes); Bessa-Dibble complex (30%-50% slopes); Boomer-Forward-Felta Complex (30%-50% slopes); Hambright rock outcrop complex (30%-75%slopes); and Rock outcrop-Hambright complex (50%-75% slopes). There is an unnamed drainage course traversing the edge of the two northwesterly properties, which has been determined to be a stream by the definition in the Napa County Code Section 18.108.030.

Native vegetation cover is oak woodlands and grasslands. The County’s Environmental Sensitivity maps (Biological Resources) place this project within an area listed as sensitive for the Sonoma Beardtongue (*penstemon newberri var. sonomensis*). A Site Specific Biological Survey Report was prepared by Kjeldsen Biological Consulting (February 9, 2017), which included a field survey where field notes were recorded noting 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. Utilizing a site evaluation based on habitat or environmental condition and field survey, the biologist concluded that there was no evidence for the presence or habitat for the Sonoma beardtongue associated with the project site. And, since Best Management Practices and Erosion Control Measures are required as a part of the grading permit, there is no indication that the grading would result in any impacts to the unnamed ephemeral drainage.

**CEQA Exemption Criteria and Analysis**

Because the project proposes improvements to existing facilities, the Planning Division finds the project to be categorically exempt from the California Environmental Quality Act (“CEQA”) under Section 15301, Class 1 (Existing Facilities):

Section 15301 EXISTING FACILITIESClass 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency‘s determination. The types of “existing facilities “itemized below are not intended to be all inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to: “… (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety)…”

Further, State CEQA Guidelines Section 15022(a) requires that each public agency issue local procedures for implementing the State CEQA Guidelines in order to ensure the orderly evaluation and preparation of environmental documents. Therefore, the Planning Division finds the project to be categorically exempt from CEQA under Appendix B of Napa County’s Local Procedures for Implementing the California Environmental Quality Act under Class 1: Existing Facilities:

Class 1: Existing Facilities [State CEQA Guidelines §15301]

1. Existing roads, streets, highways, bicycle and pedestrian paths, and appurtenant facilities. Repair, maintenance, reconstruction, replacement and minor expansion including, but not limited to:

(a) reconstructing, resurfacing and/or seal coating of the pavement;

(b) paving existing unpaved shoulders;

(c) widening the paved roadway by less than 8 feet or adding up to 4-foot wide unpaved shoulders;

(d) adding short auxiliary lanes when required for localized purposes such as weaving, turning, climbing, lane changing or accelerating or decelerating.

**Response:** The project proposes to install improvements to the existing access road to comply with improvements required by the Napa County RSS.The RSS attempts to meet the related interests of several other agencies and were developed and revised over the years in an effort to meet all of the objectives outlined in the RSS while striving to maintain the preservation of the health, safety, and welfare of the public.

An exception to the RSS or the SRA Fire Safe Regulations, when properly submitted, reviewed, and approved by the Director, the Planning Commission or other approving body, is intended to serve as an alternate method by which adherence to the RSS and SRA Fire Safe Regulations may be achieved at the same time as the County assures compliance with its goal to protect and ensure the preservation of the unique features of the natural environment. The applicant has submitted an alternate road improvement design intended to meet the RSS goal to maintain the preservation of the health, safety and welfare of the public.

The applicant proposes to construct a longitudinal slope in excess of 16% for two sections of the existing driveway (STA 15+00 to 10+00 and STA 22+00 to STA 27+00). The two segments of road could be reconfigured to comply with the 16% maximum longitudinal slope requirement, but it would involve grading within the County stream setback area, would involve grading of slopes exceeding 30% and would require removal of mature native trees to reduce the slope in these areas.

The purpose and intent of the Conservation Regulations is to protect the public health, safety and community welfare, and to otherwise preserve the natural resources protecting county lands from excessive soil loss which if unprotected could threaten local water quality and quantity and lead ultimately to loss of economic productivity.

The proposed project is not an activity permitted to occur within the required stream setback and therefore an exception to the Conservation Regulations has been requested. Such exceptions are allowed if the road expansion is designed to complement the natural landform and avoids excessive grading. Except for improvements at the curve of the road, the grading will occur on the side of the existing road away from the stream; will not require the removal of sensitive native vegetation; and the incorporates erosion control measures into the project to avoid the creation of excessive soil loss. A portion of the improvements proposed at the curve will occur closer to the steam than the existing road, but erosion control measures are incorporated into the project’s grading plan to protect the setback from excessive soil loss.