



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/21/2012

Agenda Placement: 9D

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: Charlene Gallina, SUPERVISING PLANNER - 299-1355

SUBJECT: Menaged Residence Conservation Regulation Use Permit Exception & Viewshed Application

RECOMMENDATION

MENAGED RESIDENCE – GARY RAUGH, CONSERVATION REGULATION USE PERMIT EXCEPTION #P11-00437-UP & VIEWSHED APPLICATION #P11-00448-VW

CEQA Status: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following area: Cultural Resources. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

Request: Approval of an "Exception" in the form of a Use Permit to the Conservation Regulations (P11-00437), Zoning Ordinance Section 18.108.040, and the Viewshed Application (P11-00448), Zoning Ordinance Section 18.106.070 to allow the construction of a single family residence, a guest house, a garage, a wine room cave, a swimming pool, patio and decking, courtyards, an associated asphalt driveway, site retaining walls, a new septic system, and new water tanks on a slope over 30%. The project also includes the demolition of an existing single family residence (approximately 3,400 sq.ft.in size), related accessory structures and a water tank built in 1980. The following components have been specifically included under this request: 1) construction of a 5,240 sq.ft. 4 bedroom, 4.5 bath single family residence and 2 car 475 sq.ft. garage; 2) construction of a 912 sq.ft. 1 bedroom, 1 bath guest house; 3) construction of associated patios; 4) construction of a 200 sq.ft. wine room into the hillside; 5) construction of a new asphalt driveway section 500 feet in length; 6) installation of a swimming pool and decking; 7) installation of 6'-8' high retaining walls; 8) installation of a decomposite granite/landscaped courtyards; 9) installation of 4-5,000 gallon new water tanks for domestic, fire, and irrigation purposes; 10) installation of 2-500 gallon propane tanks; and 11) installation of a new septic system. The project is located on a 60.16-acre parcel and accessed via a private community driveway approximately one-half mile northeast of the intersection of Silverado Trail and Oakville Cross Road; 7830 Silverado Trail, Napa, CA 94558; APN: 031-

050-073.

Staff Recommendation: Adopt the Mitigated Negative Declaration and approve the project with attached conditions of approval.

Staff Contact: Charlene Gallina, Supervising Planner; (707) 299-1355; Charlene.Gallina@countyofnapa

EXECUTIVE SUMMARY

Proposed Action:

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration for the Menage Residence Use Permit and Viewshed application based on Findings 1-6 of Exhibit A;
2. Approve an Exception to the Conservation Regulations in the form of a Use Permit (P11-00437) based on Findings 7-18 of Exhibit A and subject to the Conditions of Approval (Exhibit B); and
3. Approve Viewshed Application (P11-00448) based on Findings 19-25 of Exhibit A and subject to the Conditions of Approval (Exhibit B).

Discussion: The projects consists of a request to allow the construction of a single family residence, a guest house, a garage, a wine room cave, a swimming pool, patio and decking, courtyards, an associated asphalt driveway, site retaining walls, a new septic system, and new water tanks on a slope averaging over 30%. The project also includes the demolition of an existing single family residence (approximately 3,400 sq.ft.in size) and related accessory structures built in 1980. Construction of a single family home is allowed by right (ministerial permit) on any legal lot in Napa County provided that the applicant can demonstrate provision of adequate water, waste water and access. However, on highly constrained properties such as this, County regulations often trigger additional discretionary review such as Conservation Regulations Use Permit Exception and Viewshed Application. In these cases, the Commission is not obligated to approve the specific development proposed, but must allow reasonable use of the land, and at a minimum a single family home of some type (provided that basic health and safety provision are made (e.g., water, septic, and access)). Staff has reviewed the project, and support approval as conditioned.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, a potentially significant environmental impact in the following area: Cultural Resources. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

BACKGROUND AND DISCUSSION**Property Owner:** Mitchell Menaged**Representative:** Gary Raugh & Jeffrey Redding**Zoning:** AW - Agricultural Watershed**General Plan Designation:** AWOS - Agriculture, Watershed & Open Space**Application filed:** November 7, 2011**Application complete:** January 5, 2012**Adjacent Land Uses:** (AW Zoning)

North - Single family residence, vineyards, the Wappo Land Company, and Lonestone Vineyards.

South - Dallavalle Vineyards, Sugarloaf Farming Corporation, and single family residences.

East - Single family residence, vineyards, and Oakville Ranch Vineyards.

West - Single family residences and vineyards.

Property History:

A 4 bedroom single family residence, including a carport, pool house, swimming pool, barn, and septic system, a tennis court and leach fields were constructed by Mr. Robert Winokur (previous owner) in the early 1980s and currently exist on the property.

Compliance History:

No code violations have been recorded for the property.

Discussion Points:

Project Setting - The project site is located on the lower flank of the mountains above the eastern margin of Napa Valley. The property is comprised of 60.16-acres of land which is accessed via a private community driveway. A single family residence, including a carport, pool house, swimming pool, tennis courts, septic tank and leach fields, and a barn, all constructed in the early 1980's, currently exist on the property and is tucked within the natural landscaping for the property. Topography at the property is generally comprised of a broad generally southwest facing slope. The majority of the parcel slopes exceed 30%. Two well defined blue-line streams exist to the northeast and southeast. The northern blue line stream is located 100 feet from an existing septic area. The southern blue-line stream (named Vinehill Creek) is located 90 feet from the existing residence to be demolished. These creek corridors are wooded and 16% of the parcel is located on the south side of the creek. There is no vehicle access to the area south of the creek.

Property Rights - State and Federal law mandate that local zoning regulations cannot deny a property owner of basic reasonable use of their property. As a result, County regulations have been crafted to allow a single family home (of undetermined size) to be constructed, by right on a legal parcel in the County as a means of achieving consistency with that mandate. This project is somewhat an unusual case because, a single family residence and related accessory structures constructed in the 1980s currently exist on the subject property, and the new property owner now desires to demolish all the structures and construct a new

residence, garage and a guest house at a different location in order to take advantage of Napa Valley views. Given the owners desire not to substantially remodel the existing residence, this created the need to propose a residential site location which exceeds a 30% average cross slope and has created a possible viewshed effect for Silverado Trail, Highway 29 and Oakville Cross Road. Therefore, these elements have subjected the proposed project to Planning Commission review and authorization.

Residence Design, Layout, & Materials - The proposed driveway leading to the new residence site initiates approximately 100 feet east of a large concrete culvert crossing along the existing driveway and will immediately ascend a relatively steep cut slope and directly onto undeveloped terrain. The terrain along the alignment is predominately covered in perennial grasses, scrubby bushes, sparse strands of oak trees and resistant andesite boulders. Slope gradients vary from 33 to 65 percent along the proposed driveway alignment. The proposed driveway alignment continues to ascend upwards to the proposed building pad, which is located less than 100 feet upslope of the existing water tank at the property. The total distance of the proposed new driveway section is about 500 feet. The proposed building pad, about a half-acre in area, is located near an elevation of 600 feet above mean sea level (MSL). The proposed residence site will be located about 550 feet east of one single family residence and about 350 north of another single family residence. The building pad is undeveloped and covered in perennial grasses, bushes, oak trees and resistant andesite boulders scattered on the hillside. Slope gradients at the proposed building pad vary from 31 to 40 percent. There is an existing water tank (designated for removal) located just off to the south of the proposed building pad. The proposed septic area is located about 50 feet south of the existing mound septic system on the property and about 100 feet northwest of the tennis court. It encompasses about a half-acre forested area.

The proposed residence will consist of a slab on grade foundation and floor system and has been designed as a one story structure ranging in a building height of 11'6" to 14'-1" to the roof. The garage and wine cellar will be of a "cut and cover" construction and will be located in the cut slope on the rear side of the residence. The proposed new water and propane tanks will also be located on the rear side of the residence. As designed, the proposed access drive and the residence pad will create a single grading mass to soften the effects of the pad construction. The south elevation architectural design of the residence will include a mixture of the following architectural components: painted metal panel fascia and cap, light colored integral stucco (smooth troweled texture), painted metal panel siding, color integral concrete – natural finish board formed or steel troweled, clad wood windows/doors with kynar painted metal exterior, painted metal panel to match adjacent windows/doors, painted metal louvers, painted metal frame, and aluminum anodized trellis.

Removal of Existing Residence & Related Accessory Structures - The goals established by the County General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to concentrate urban uses in the County's existing cities and urban areas. The Agriculture, Watershed and Open Space designation includes single family dwellings at an intensity of one dwelling per parcel as general uses. Given this requirement, demolition of the existing residence is required and has been conditioned by staff. It should be noted that staff is also recommending a condition of approval requiring the existing residential pad to be restored back to its natural landscape state to the extent feasible.

Conservation Regulation Compliance - Given the County's creek setbacks and environmental constraints associated with any development proposed near creeks, no alternatives exist on the property where a new residence may be constructed absent an exception. To minimize the extent of grading, the cut and fill slopes range between 2:1 and 1.5:1 (horizontal:vertical), the residence has been designed with its long axis parallel to the contours and the short axis perpendicular to the contours. Furthermore, the building pad and road grading design has been integrated to create a single land form after construction. The placement and

design of this project has taken these streams into consideration and has not only placed the home construction in the most feasible location, but also designed it to minimize any earth movement to not disrupt the watercourse. As conditioned, this project requires implementation of best management principles, a storm water pollution prevention plan, and temporary construction fencing to prevent unauthorized encroachments during demolition of the existing residence and accessory structures, and therefore, disturbance to the watercourse is minimized and required setbacks will be maintained. As identified in the Initial Study – Mitigated Negative Declaration prepared for the project, the Cultural Resources Evaluation conducted by Archaeological Resource Service (A.R.S.) revealed the presence of a rock wall on the north side of Vinehill Creek and south of the proposed septic area. However, based on the proposed project plans, these rock walls will not be affected by any proposed construction activities. To ensure protection of these rock walls, Mitigation Measure #1, ensuring that fencing be provided at a minimum of 15' from these rock walls to avoid any damage will be imposed on the applicant. Given these elements of the project, the required mitigation measure, and conditions of approval, staff finds that the proposed project as presented can meet the required findings for granting an exception under the Napa County Conservation Regulations.

Viewshed Application Compliance – The placement of the proposed residence has the potential to be visible from State Highway 29, Silverado Trail, and Oakville Cross Road. The proposal and associated earthwork includes the removal of a total of eight (8) trees, all oak trees with a diameter range of 8-14", height range of 9-30', and a width range of 10-30'. There is an existing water tank (which is designated for removal) located just off to the south of the proposed building pad. The large andesite boulder located at the north end of the building pad is slated to remain and proposed to be integrated into the landscaping for the home site. To remain consistent with Zoning Code Section 18.108.100(d), and the General Plan Conservation Element Policy Con 24, the applicant has proposed that each oak tree removed during construction shall be replaced at a two to one ratio with a live oak species. The proposed landscape plan for the project identifies that these oak trees will be replaced with Coastal Live Oaks (30'-60' height; 35' width - 15' initial height) in a two to one ratio (16 trees) and will be located along the upper portion of the driveway alignment and along the downhill side of the residence in front of the swimming pool and landscape area.

Furthermore, the proposed project will result in the installation of lighting that could have the potential to have a significant impact on nighttime views. Although the project site is in an area that has a certain amount of existing nighttime lighting, the installation of new sources of nighttime lights may affect nighttime views. To ensure that any potential impacts resulting from new sources of outside lighting are minimized, a standard condition of approval which will require that all proposed lighting is shielded and directed downward so that surrounding properties are not affected has been applied to this project.

Given these design elements, as well as, the architectural design of the proposed residence, staff has determined that the proposed placement of the new residence and the access drive extension will be adequately screened from all three roadways thereby ensuring compliance with Napa County's Viewshed requirements.

Greenhouse Gas Considerations - The construction and operation of the proposed project generally will contribute to overall increases in green house gas emissions. The May 2011 Bay Area Air Quality Air District (BAAQMD) CEQA Guidelines established screening criteria related to greenhouse gas emissions (GHG) for new development (Note: these guidelines have been set aside pending further CEQA review and re-adoption). In order to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts. As identified in Table 3-1 Criteria Air Pollutants and Precursors and GHG Screening Level Sizes, a single-family residence is not considered a producer of a significant amount of air pollution that would result in a conflict or obstruction of

any air quality plans.

Once adopted, the County's Draft Climate Action Plan (CAP) would require discretionary projects to reduce their emissions 38% below "business as usual" in 2020 by applying a combination of State, local, and project-specific measures. Since the CAP is not formally adopted, it is not yet considered a significance threshold for CEQA purposes. Furthermore, construction of a single-family residence is not considered a producer of a significant amount of air pollution that would result in a conflict or obstruction of any air quality plans. Nonetheless, application of the County's Green Building Standards, Energy Standards, and Water Efficient Landscape Ordinance provisions, as well as, the requirement of "best management practices" during construction will ensure reduction in green house gas emissions.

Consistency with Standards:

Zoning - The project has AW - Agricultural Watershed zoning which allows construction of a single family residence by right as an allowed use. Given that the project site is located on slopes greater than 30% and may be visible from portions of Silverado Trail, Oakville Cross Road, and State Highway 29, the project requires a use permit exception to the Conservation Regulations (Zoning Ordinance Sections 18.108.040 & 18.108.060) and the Viewshed Application (Zoning Ordinance Section 18.106.070) to allow construction.

Department of Public Works Requirements - The Department recommends approval with conditions as stated in their Memorandum dated December 28, 2011.

Department of Environmental Management (DEM) Requirements - The Department recommends approval with conditions as stated in their Memorandum dated December 16, 2011.

Fire Department Requirements - The Department recommends approval with conditions as stated in their Inter-Office Memo dated December 9, 2011.

Building Division - Building Permit Application #BP11-01222 - B11-01225 comments dated December 13, 2011 stated that the application was incomplete and was placed on hold pending action of this planning application.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Conditions of Approval
- C . Department Comments
- D . Public Comments
- E . Initial Study - Mitigated Negative Declaration
- F . Geotechnical Investigation
- G . Biological Study - Native Grassland Survey
- H . Cultural Resources Evaluation (Cover Sheet Only)
- I . Application
- J . Graphics

Reviewed By: John McDowell