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Agenda Date: 6/30/2021

Agenda Placement: 2B

Zoning Administrator Board Agenda Letter

TO: Zoning Administrator

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: MELANIE JACKSONCOUCH, PLANNER III - 707-259-8194

SUBJECT: Kallweit Residence Viewshed Application #P20-00100

RECOMMENDATION

Keith Kallweit / Kallweit Residence / Viewshed Application No. P20-00100 & Exception to the Road & Street Standards

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, with the implementation of mitigation measures, the proposed project would not result in significant impacts to the environment. Mitigation measures are proposed for the following area: Biological Resources. The project is not included on any list of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval under the Viewshed Protection Program to allow for the construction of a new, approximately 3,000 square foot residence, an approximately 1,132 square foot detached garage, an approximately 620 square foot residential accessory structure (including a gym, art studio and bathroom), a garden shed, infinity pool, hot tub, and associated infrastructure including an onsite septic system for sanitary waste disposal and a well for potable water. In addition, the project would include installation of one 5,000 gallon water tank for fire prevention and irrigation purposes and a second 5,000 gallon water tank for domestic water use. The proposed project also includes construction of an access driveway and approximately two (2) miles of road improvements to Oakville Ridge Road, beginning at the Oakville Ridge Road access from Oak Ridge Grade and ending at the driveway of the Kallweit residence. Approval of a Napa County Road and Street Standards (RSS) Exception is also requested for the construction of 18 emergency vehicle turnouts. The subject parcel consists of approximately 46 acres, is designated Agriculture, Watershed and Open Space(AWOS) by the Napa County General Plan and is zoned Agricultural Watershed (AW). The site is located off of Oakville Ridge Road, in the Napa area. APN: 027-340-024.

Staff Recommendation: Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Report Program and approve the Viewshed application and RSS exception, subject to the recommended Conditions of Approval included as Attachment B to this report.

Staff Contact: Melanie Jackson, Planner II, 707-259-8194; melanie.jackson-couch@countyofnapa.org

Applicant Contact: Keith Kallweit, 440 Wellesley Avenue, Mill Valley, CA 94941 or k.kallweit@gmail.com

EXECUTIVE SUMMARY

That the Zoning Administrator:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program based on Findings 1-7 of Attachment A; and
2. Approve the Exception to the Napa County Road and Street Standards based on Finding 8 and 9 of Attachment A, subject to the Recommended Conditions of Approval included as Attachment B; and
3. Approve the Viewshed Application (P20-00100-VIEW) based on Findings 10-16 of Attachment A and subject to the Recommended Conditions of Approval included as Attachment B.

Discussion:

The Napa County Viewshed Protection Program provides that if the Planning Director determines a project application does not fall within criteria set forth in Subsections A-E of Section 18.106.040 (Viewshed Protection Program; Projects Subject to Administrative Review) the project cannot be cleared for processing at an administrative level and must be reviewed by the Zoning Administrator. Based on the design of the project, whereby the highest point of the proposed development falls within 25 feet of the top of a minor ridgeline (discussed below), the project design does not fall within the parameters of 18.106.040 and therefore, must be considered by the Zoning Administrator.

The applicant submitted a Viewshed Application for the construction of a new residence, garage, accessory structure, garden shed, pool, hot tub and associated infrastructure, installation of two water tanks for domestic use and fire protection, and road and driveway improvements on a property accessed from Oakville Ridge Road. The proposed development would be located on Oakville Ridge Road and, according to the Aesthetics/Ridgelines layer of the Napa County GIS Project Review Map, would be located on a minor ridgeline. Per Napa County Code Section 18.106.050(B)(2) (Viewshed Protection Program, Processing of projects subject to review and approval by the zoning administrator or the commission), if the highest point of a proposed structure is within twenty-five vertical feet of a major or minor ridgeline, standards set forth in Section 18.106.050(B)(2) apply. According to the slope calculations provided by the applicant (Sheet C4.4 of the Civil Plans), the highest point of the development (roof of the proposed residence) would be located six (6) feet below the minor ridgeline and is therefore subject to these standards, which include a requirement that existing vegetation, proposed landscaping, topographical siting, architectural design and color tone must “screen the predominant portion” (defined as 51% or more of viewable areas) of the proposed structure. The project has been designed in substantial conformance with these standards, as the existing and proposed vegetation (planting of two 15-gallon oak trees) would screen more than 50 percent of the proposed structures from surrounding viewsheds. In addition, the architectural design of the structures include a low-profile roof and a dark gray color-tone to blend into the natural environment and minimize visual impacts. Further, the location of the development, which is set back into the hillside, would further reduce visual impacts on the minor ridgeline.

Staff has determined that the proposed development falls within the standards set forth in Section 18.106.050(B)(2) and that all applicable findings for the Viewshed Permit can be met. Staff therefore recommends approval of the project subject to the recommended conditions of approval.

In addition, the proposed project also includes construction of an access driveway and approximately two (2) miles of road improvements to Oakville Ridge Road, beginning at the Oakville Ridge Road access from Oak Ridge

Grade and ending at the driveway of the Kallweit residence. Approval of a Napa County Road and Street Standards (RSS) Exception is also requested for approval. A road exception letter was provided to the applicant by the Engineering Division on February 11, 2021, providing support of the Road Exception request that would allow for the vehicle turnouts to be spaced at varied distances from between 80 feet to 830 feet where normally turnouts would be spaced every 200 feet. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, with the implementation of mitigation measures, the proposed project would not result in potentially significant environmental impacts. Mitigation measures are proposed for the following area: Biological Resources. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Bunnyhopper Farms, LLC., 440 Wellesley Ave, Mill Valley, CA 94941, K. Kallweit@gmail.com

Applicant/Representative: Keith Kallweit, 440 Wellesley Ave, Mill Valley, CA 94941, K. Kallweit@gmail.com

General Plan Description: Agriculture, Watershed and Open Space (AWOS)

Zoning: Agricultural Watershed (AW)

Filed: April 7, 2020 **Resubmittal Received:** August 3, 2021, November 18, 2020 **Deemed Complete:** February 18, 2020

Parcel Size: 46-acres

Code Compliance History: There are no open or pending code violations involving the subject property.

Discussion Points:

Viewshed Review – As noted above, the proposed project development would be located on Oakville Ridge Road and would be located on a minor ridgeline. As referenced above, County Code Section 18.106.050(B)(2) (Viewshed Protection Program, Processing of projects subject to review and approval by the zoning administrator or the commission), provides that if the highest point of a proposed structure would be located within twenty-five vertical feet of a major or minor ridgeline, the existing vegetation, proposed landscaping, topographical siting, architectural design and color tone must screen the predominant portion of the proposed structure. In order to comply with this section, the applicant has designed the project in such a manner that the predominant portions of

the proposed structures would be screened by existing vegetation and supplemental tree plantings (two 15-gallon oak trees). To ensure that the project would continue to be screen in perpetuity, the project proponent would be required to record a use restriction on the property that would require maintenance of the viewshed screening vegetation. The project design includes a one-story residence with a flat, low profile roof and a maximum height of approximately 17 feet above natural grade. The residence and accessory structures would be dark gray color and would be constructed with non-reflective windows. As designed, the predominant portion of the development would be screened and visual impacts would be minimized and the project would be consistent with the standards set forth in the Viewshed Protection Program.

Building Design/Materials – The architectural design of the proposed structures would utilize a neutral gray stucco, with black, non-reflective windows and doors, dark gray sheet metal fascia, dark gray cement board siding and a gray, and a single membrane low reflectivity roof. As such, the project would not degrade the existing character of the site and its surroundings. The property owner would be required to execute and record in the County Recorder's office a use restriction, in a form approved by County Counsel, requiring building exteriors and existing and proposed covering vegetation, as as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successors so as to "prevent the project from being viewed from any designated public road in perpetuity pursuant to County Code, Chapter 18.106.050(C).

Road Improvements/RSS Exception – As a result of the required road improvements to Oak Ridge Road, the applicant requested an exception to the Napa County Road and Street Standards on November 10, 2020 due to the constrained nature of the steep slopes, winding and narrow road which would result in the removal of mature oak trees. A response to the exception request was provided to the applicant by the Engineering Division on February 11, 2021 which recommended approval to the Zoning Administrator of the Road Exception request. This authorization would allow for vehicle turnouts to be spaced at varied distances from between 80 feet to 830 feet where normally turnouts would be spaced every 200 feet. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned.

Biological Resources – The biological review of the project area determined that nine special status plant species (Calistoga ceanothus, Cobb Mountain lupine, Jepson's leptosiphon, Napa False indigo, Narrow-anthered brodiaea, oval-leaved viburnum, Rincon Ridge ceanothus, Rincon Ridge manzanita and Sonoma ceanothus) and five (5) special status wildlife species have the potential to occur on the project site. None of the special status plant species were observed during protocol-level surveys performed in the spring of 2020. Thus, no impacts to special status plant species are expected. The five wildlife species include two special status bats and three special status birds and raptors, including purple martin, golden eagle and northern spotted owl (NSO). Of these, pallid bat and long-legged bat may potentially roost on the property, in a small outcrop located immediately adjacent to the proposed residence or in trees located along the driveway. In addition, NSO has been documented in the vicinity of the driveway (as shown in Appendix A, Figure 5 of the Biological Resources Report). Due to this, mitigation measures that will be adopted as conditions should this permit be approved were included in the MND to ensure that impacts to special status wildlife species (long-legged bat, NSO and migratory birds and raptors) from the proposed project are reduced to the maximum extent possible, such that impacts would be less than significant. The following summarized measures to mitigate impacts to long-legged bat include: 1) a requirement that felled trees remain on the property overnight prior to chipping or hauling offsite, applying year-round; 2) a limitation on the dates of noise-producing activities from September 1 to April 15 or, in the alternative, if noise-producing activities occur from May to August, a pre-construction bat roost survey prepared by a qualified biologist shall be performed and if bat roosts are discovered, a 100-foot buffer area shall be put in place until September 1st; and, to minimize impacts to special status wildlife species; 3) a limitation on the dates of tree removal or noise-producing activities from September 1 to January 31 or, if work must be initiated outside of those dates or there is a break in construction of more than 14 days, a requirement that a nesting bird survey be performed by a qualified biologist within the project study area and, if nests are discovered, a requirement that a buffer area be established; and 4) using USFWS guidance for NSO, a minimum of one week prior to commencement of noise producing activities, a qualified biologist shall determine the potential noise impacts to any raptors present and, if

noise impacts would occur, the project proponent shall initiate activities during the non-nesting season (September 1 to January 31) or, if this is not possible, protocol level surveys shall be conducted within one half mile of the project area for golden eagle and NSO the season prior to the start of the development activities.

Headwater streams exist on the subject property. However, none are located near the proposed project area or within a close enough proximity (more than 100 feet away) to the project that would cause disturbance as a result of project development. As such, the project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Tree Removal/Retention - A Biological Resources Report prepared by Dana Riggs with Sol Ecology, Inc. (Sol Ecology), dated July 24, 2020, was prepared for the proposed project. Pursuant to this report, vegetation on the project site consists of Douglas-fir woodland, California broadleaf forest woodland, and chaparral forest. Chaparral habitat is the only sensitive natural vegetative community within the project development area. In order to construct the proposed project and the road improvements, some of the chaparral community would be impacted, including removal of 26 trees (oak and conifer) and clearing of underbrush. Section 18.108.020(C) of Napa County Code (Zoning; Conservation regulations; General Provisions, Vegetation Retention Requirements) provides that, in the AW zoning district, a minimum of seventy percent vegetation canopy cover shall be maintained as part of any use involving earth-disturbing activity. Section 18.108.020 (D) (Zoning; Conservation regulations; General Provisions; Vegetation Removal Mitigation) provides that, in the AW zoning district, the removal of any vegetation canopy cover shall be mitigated by permanent replacement or preservation of comparable vegetation canopy cover, on an acreage basis at a minimum 3:1 ratio. In this particular case, of the approximately 46-acre parcel, 44 acres are protected from development by a conservation easement (as described in recorded document 2018-0006881) that preserves the trees within the easement and limits the developable area of the property to just two (2) acres. The conservation easement runs in favor of the Napa County Land Trust for the purposes of protecting the scenic viewshed, conservation values and the forested character of Napa Valley. Because the existing conservation easement that is in place was voluntarily imposed on the parcel, runs in favor of a third party and preserves approximately 95 percent of the vegetation canopy cover, the project has been determined to satisfy the minimum 3:1 retention ratio. A condition of approval is recommended to require mapping of those specific areas within the 44-acre easement area meeting the 3:1 retention ratio. In addition, a deed restriction would be required to ensure that the proposed live oaks to be planted for screening purposes are protected in perpetuity.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval and Agency Approval Memorandums
- C . Initial Study/Mitigated Negative Declaration and MMRP
- D . Application Materials
- E . Biological Study
- F . Graphics

Zoning Administrator: Approve

Reviewed By: Charlene Gallina