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Categorical Exemption Memorandum



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Planning, Building & Environmental Services

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Brian B. Bordona
Director

MEMORANDUM

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| To: | Zoning Administrator | From: | Wendy Atkins, Planner II |
| Date: | July 24, 2024 | Re: | P19-00294-VAR – Napa Mini House Variance Application Categorical Exemption Determination Milton Road, Napa, CA 94558 Assessor Parcel # 048-043-035-000 |

Background

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 Milton Road variance application (File No. P19-00294-VAR).

The project proposes:

Approval of a variance application to allow the following: 1) allow the construction of a 34-foot tall single-family home four (4) feet from the side (north and south) property boundaries, which would reduce the required first story side yard setbacks from five feet to four feet; 2) allow the second and third stories of a 34-foot tall single-family home four (4) feet from the side (north and south) property boundaries, which would reduce the required three (3) additional feet of side yard setback for each story above the first story of any building from eight (8) feet to four (4) feet for the second story and eleven feet to four (4) feet for the third story; 3) reduction in off-street parking from two (2) spaces to one (1) space; 4) allow an on-site parking space in the road setback (12 feet setback from centerline of road), front setback (0 setback from property line), and reducing the required side setbacks from five (5) feet to four (4) feet; 5) allow a covered deck to extend six (6) feet into the rear setback, reducing the required setback from twenty feet to fourteen feet.

Existing Setting

The project is located on a ±0.18-acre parcel in an existing residential subdivision directly across from the Napa-Sonoma Marshes Wildlife Area located approximately 1.72 miles west of the City of Napa. The General Plan land use designation is Agriculture, Watershed and Open Space (AWOS) and is within the Residential Single (RS:AC) Zoning District; Milton Road, APN: 048-043-035-000.

While the parcel is vacant it has been developed (graded) as part of the Edgerly Island River Lots Subdivision (James Street).

CEQA Exemption Criteria and Analysis

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. This project qualifies as an exempt activity under two (2) sections of Article 19:

Class 3: New Construction or Conversion of Small Structures [CCR §15303]

Consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

Examples enumerated in CCR §15303 include:

(a) One single-family residence, or a second dwelling unit in a residential zone.

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Class 4: Minor Alterations to Land [CCR §15304]

Consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.

Examples enumerated in CCR §15304 include:

(a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.

(b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.

Class 5: Minor Alterations in Land Use Limitations [Appendix B, Class 5, of the Napa County's Local Procedures for Implement the California Environmental Quality Act]

Appendix B of Napa County's Local Procedures for Implementing CEQA (Additional Categorically Exempt Projects in Napa County), Item No. 17 - Variances to standards for projects that are allowed by right under zoning.

The applicant proposes to prepare the existing vacant lot with a small slab foundation and improved driveway for one (1) parking spaces and construction of the 1,415 sq. ft. residence. Site preparation will take place on land that has a grade of less than 5% in all directions. Staff has reviewed Napa County GIS maps and determined the grading will take place in an area that is not a waterway, wetland, designated scenic area, or official mapped area of severe geologic hazard or Seismic Hazard Zone. Based upon a review of the County of Napa GIS Biological Layers (Vegetation, Biological Site, Biological Survey, CNDDDB and CNDDDB Spotted Owl) two special status species were noted to have the potential to occur in the vicinity of the project site: The Delta tule pea (*Lathyrus jepsonii* var. *jepsonii*) and longfin smelt (*Spirinchus thaleichthys*) and are discussed in further detail below:

Delta tule pea (*Lathyrus jepsonii* var. *jepsonii*):

The Delta tule pea has the potential to occur in the area, it is generally found on brackish and freshwater marsh and slough edges and tends to grow in marshes and wet places¹. Existing conditions include an abandoned trailer storage area covered with dry sand, which is not considered suitable habitat for the plant. Furthermore, the proposed project site been located in an established residential subdivision since 1961.

Longfin smelt (*Spirinchus thaleichthys*):

The longfin smelt habitat is in the open waters of estuaries, while longfin smelt may exist in the Napa-Sonoma Marshes Wildlife Area, construction is not proposed in the marsh. As required by the Engineering Division, prior to issuance of a building permit, the owner shall prepare a Single-Family

¹ Calflora: Information on California plants for education, research and conservation, with data contributed by public and private institutions and individuals. [web application]. 2024. Berkeley, California: The Calflora Database [a non-profit organization]. Available: <https://www.calflora.org/> (Accessed: 06/25/2024).

Home/Small Development Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMA Post-Construction Manual for review and approval by the Engineering Division in PBES. The SCP will address the potential and prohibit pollutants from entering the marsh.

In addition, the Napa GIS Biological Layer (Vegetation) Background states that the Landcover Category is Developed, the Sensitive Biotic Status: Part of a sensitive biotic community states no, and Sensitive Biotic Status category is Developed.

Under Section 15300.2 of the CCR, a Class 3 , a Class 4, and Class 5 exemption cannot be used if environmental sensitivities exist at the site. All exemptions are disqualified from being used if the project will have cumulative impacts, create a significant impact due to unusual circumstances, damage a scenic resource within a state highway, be located on a site listed as a hazardous waste site or damage a historic resource. Staff has reviewed the project location with the Napa County GIS maps and sensitivity layers and determined the project is not within any areas of hazardous or critical concern. The project is not located within a state scenic highway, it is not listed as a hazardous waste site, nor are there any recorded historic resources on the property. Having reviewed the application, Staff finds no unusual circumstances appear to exist with this request. The project has been determined to provide adequate parking on the site to accommodate the single-family residence Wastewater generated by the project would connect to existing public utilities located within the Milton Road right of way. Therefore, these exemptions have been determined appropriate for the proposed project and this proposal meets the Categorical and State Exemptions listed above.