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December 22, 2020

Janet McLaughlin and Kurt Konolige  
5555 Lovall Road  
Sonoma, CA 95476

**RE: Addendum to July 16, 2020 Biological Resources Report for the 5575 Lovall Road Project**

Dear Mr. and Mrs. Konolige,

This letter addendum serves to address comments concerning the extent of non-sensitive vegetation communities on the property located at 5575 Lovall Road in Sonoma, California and calculated impacts to those communities resulting from the proposed road project. This information is provided in Table 1 below. This information was determined via GIS analysis from the drawing shown in the above referenced report, Appendix A, Figure 1.

**Table 1. Non-Sensitive Communities and Proposed Impacts in the Project Study Area**

<b>Community Type</b>	<b>Existing (acres)</b>	<b>Proposed Impacts (acres)</b>
Annual Grassland	4.49	0.67
Hardwood Forest	0.45	0.35
<b>Total</b>	<b>4.94</b>	<b>1.02</b>

Please do not hesitate to contact me should you have any questions or concerns.

Respectfully,

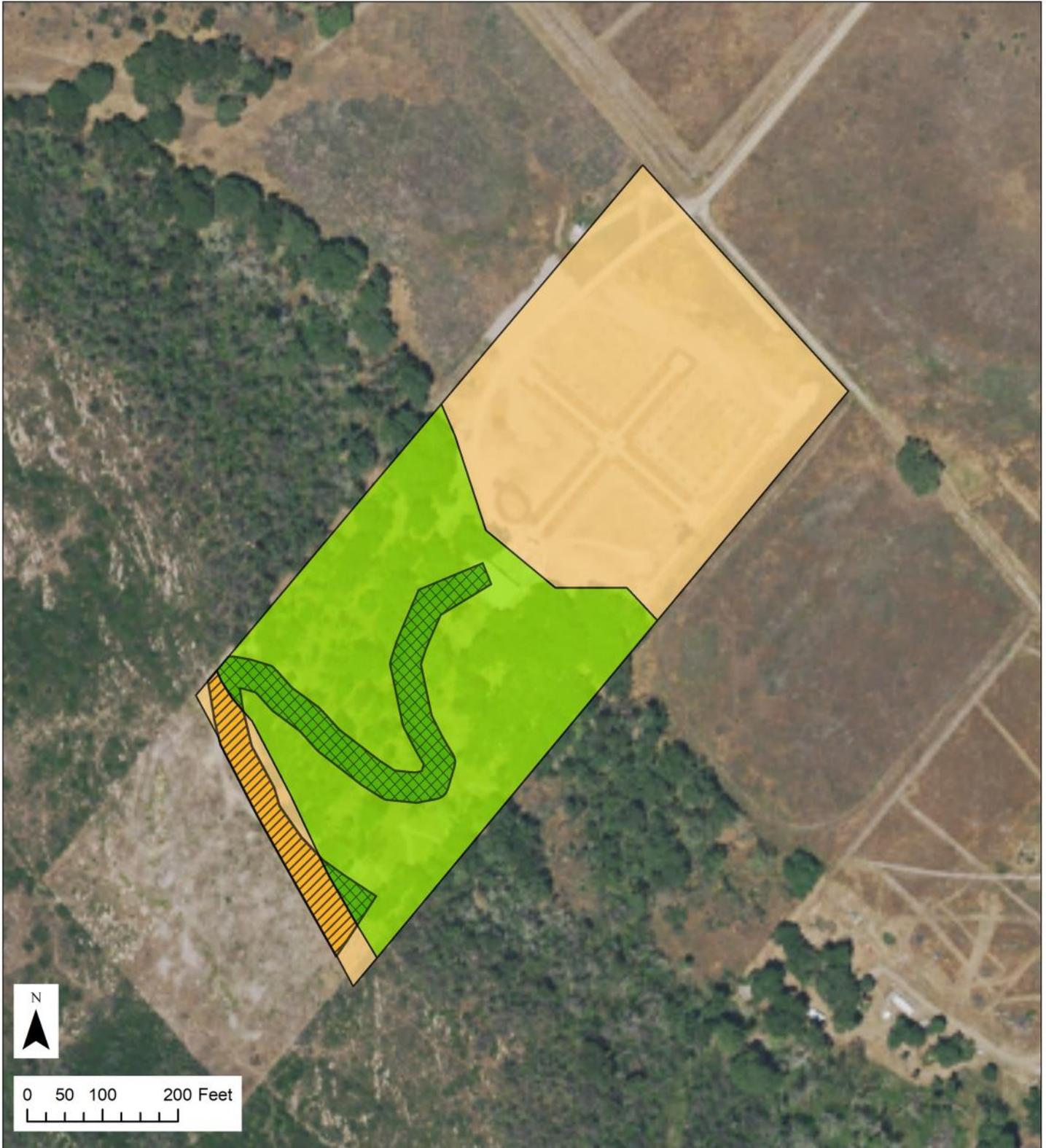


Dana Riggs, Principal Biologist

Ec: Hannah Chiu, Hogan Land Services

# Figure 1: Vegetation Communities

5555 Lovall Valley Rd. Sonoma, CA



### Community Type (Total Acres)

- California Annual Grasslands (4.49 ac)
- Hardwood Forest (4.62 ac)

### Impacted Area

- Grasslands (0.067 ac)
- Forest (0.34 ac)

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August 27, 2021

Pam Arifian, Planner III  
Napa County Planning Division

C/o: Hogan Land Services, Inc.  
Attn: Erik Lundquist  
1702 4<sup>th</sup> Street  
Santa Rosa, CA 95405

**Re: P20-00269-UP; Konolige McLaughlin Driveway  
Response to Napa County Comments – Vegetation Canopy Cover**

Dear Pam,

This letter responds to your letter of April 19, 2021, wherein a request was made for additional information in regards to the referenced Use Permit Exception to Conservation Regulations. The information being requested by Napa County Planning Division staff includes clarifications and analyses of vegetation canopy cover modifications for the proposed driveway project.

Below, please see *Applicant's Responses* to the County's comments regarding vegetation canopy cover.

**Response to County Comments dated April 19, 2021**

**2.b. The Addendum letter to the Biological Resources Report included Table 1. Non-Sensitive Communities and Impacts, along with Figure 1, Vegetation Communities, which together identify an impact of 0.35-acre of the 4.62 total acres of hardwood forest on the parcel.**

- i. As stated in the comment letter dated November 25, 2020, for the purpose of vegetation retention analysis, the Conservation Regulations defines "vegetation canopy cover" as "oak woodland, riparian oak woodland, and coniferous forest" (NCC 18.108.030). The use of the term "hardwood forest" is inconsistent with the definition; please revise the vegetation assessment to reflect the oak woodland and other communities on the parcel as identified in the Manual of California Vegetation.
- ii. It appears from the figure that the calculation is based on project development limits rather than on the removal of canopy cover that would result from the development. Please utilize the oak woodland biotic community or land cover type to identify canopy cover applicable to the vegetation retention requirements. Please note that the tree

canopy cover should be based on crown area (i.e. upper story vegetation) of stands of trees as viewed from the aerial imagery from June 19, 2018 (pursuant to NCC 8.80.130B, Conservation regulations for fire-damaged properties). Identify the total canopy cover (within the oak woodland) and the proposed post-project canopy cover on an acreage basis. While it is evident that the proposed project would comply with the vegetation retention section of the Conservation Regulations (18.108.020C), the analysis is required in the record to make the finding.

Applicant's Response:

The north facing portion of the project study area assessed by Sol Ecology is dominated by hardwood tree species, and qualifies as Mixed Oak Forest and Woodland according to *A Manual of California Vegetation*. Mixed Oak Forest and Woodland is a Non-Sensitive Community. The portion of the project study area characterized as Mixed Oak Forest and Woodland is considered oak woodland according to the Conservation Regulations (NCC 18.108.030).

Dominant tree species in the site's Mixed Oak Forest and Woodland include California black oak (*Quercus kelloggii*) and coast live oak (*Quercus agrifolia*). Other tree species observed in the Mixed Oak Forest and Woodland include California bay (*Umbellularia californica*) and Pacific madrone (*Arbutus menziesii*). The herbaceous layer is dense, consisting of California annual grassland. Many of the trees on the site are small in stature, and the density of the existing vegetation canopy cover has been reduced slightly as a result of the Nuns Fire of October 2017.

The proposed driveway project will remove 14 trees, including various oak trees and California bay trees located in the footprint of proposed grading, and including adjacent trees where at least one-third of the vegetation canopy will be removed to facilitate construction. The tree canopy cover removed by the project associated with the proposed tree removals was determined using measurements of the crown area (i.e., upper story vegetation) of stands of trees as viewed from aerial imagery from June 19, 2018 (pursuant to NCC 8.80.130B, Conservation regulations for fire-damaged properties). Figure 1, enclosed, shows the proposed grading plans overlaid on the aerial imagery from 2018, and the estimation of the amount of vegetation canopy cover that would result from development.

The amount of oak woodland canopy removed, as viewed from the 2018 aerial imagery, is shown in Table 1. Approximately 0.21 acres of the 3.77 acres of existing oak woodland vegetation canopy will be removed as a result of the project. The existing oak woodland vegetation canopy would therefore be reduced as a result of the Project by approximately 6%, and approximately 94% of the existing oak woodland vegetation canopy on the Project site would be retained, which satisfies the vegetation retention requirements established by the Conservation Regulations (NCC 18.108.020C).

Enclosures

Senior Regulatory Permitting Specialist

Mark Kalins



Respectfully Submitted,

The above information is being submitted as a revision to the prior Addendum to July 16, 2020, Biological Resources Report for the 5575 Lovall Project, prepared by Sol Ecology, and dated December 22, 2020. The Applicant requests that Napa County review the above information for vegetation canopy removal to continue processing the application.

**Concluding Remarks**

In accordance with NCC 18.108.020D, The Applicant proposes to mitigate for the 0.21 acres of oak woodland vegetation canopy that will be removed as a result of development at a minimum 3:1 ratio through the on-site preservation of approximately 0.65 acres of the oak woodland vegetation canopy that will be retained. The area proposed for preservation of oak woodland vegetation canopy is located immediately north-northwest of the driveway, and is shown in Figure 1. The preservation area is set back at least 20' from the driveway and north-northwest property line. The oak woodland preservation area will be protected through recordation of a deed restriction, including protective covenants, as stipulated in the enclosed Draft Deed Restriction. It is the Applicant's understanding that the Deed Restriction would need to be recorded in accordance with Conditions of Approval associated with the Use Permit Exception prior to onset of construction activities for the driveway.

*Applicant's Response:*

**2.c. Identify the mitigation plan necessary to make the finding that the project complies with the vegetation mitigation requirements of 18.108.020D, which requires a 3:1 preservation or replacement on an acreage basis of the vegetation canopy cover proposed for removal.**

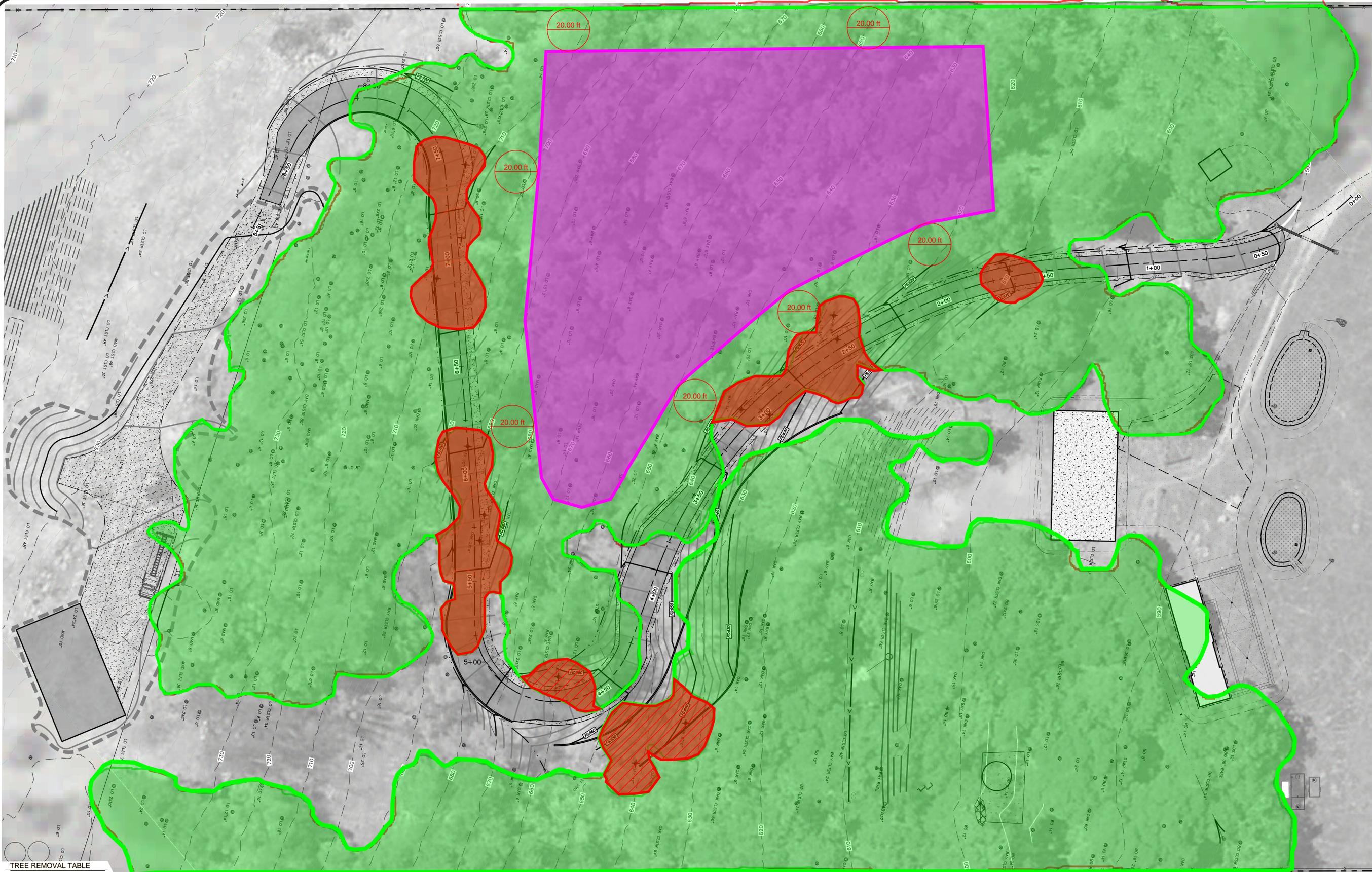
Proposed Oak Woodland Preservation Area	3:1 Mitigation Required for Oak Woodland Canopy Removed	Oak Woodland Canopy Removed	Post-Project	Pre-Project	2018 Oak Woodland Canopy Extent
0.65 acres	0.63 acres	0.21 acres	3.56 acres	3.77 acres	

Table 1. Proposed Vegetation Canopy Removal and Mitigation Determination

*ENCLOSURE A*

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Z:\HLS-Projects\3567-McLaughlin-Loyal Valley\BUDGET\KURADWAY\3567-GAD ROADWAY CAD 2018.dwg, TREE SHEET FOR BIOLOGIST, 8/3/2021 9:28:32 AM, AutoCAD PDF (Differential) Plot.pc3

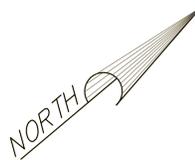
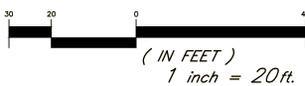


TREE REMOVAL TABLE

NUMBER	SPECIES	SIZE
1	LIVE OAK	32"
2	LIVE OAK	10" 6"
3	LIVE OAK	24"
4	OAK	10" 16"
5	LIVE OAK	10"
6	OAK	18" 14"
7	LIVE OAK	10"
8	OAK	6" 10"
9	BAY	14"
10	OAK	30"
11	LIVE OAK	16"
12	LIVE OAK	16"
13	OAK	12"
14	OAK	8"

\*SPLIT TRUNK AT BREAST HEIGHT

GRAPHIC SCALE



AREA TYPE	ACREAGE
PRE-PROJECT 2018 OAK WOODLAND CANOPY	3.77 ACRES
POST-PROJECT 2018 OAK WOODLAND CANOPY	3.56 ACRES
OAK WOODLAND CANOPY REMOVED	0.21 ACRES
OAK WOODLAND PRESERVATION @3:1 RATIO (MIN 0.63 ACRES)	0.65 ACRES

PRELIMINARY FOR USE PERMIT

REVISION BLOCK

NO.	DESCRIPTION	DATE
A	PLAN CHECK #1	01/27/21
B	PLAN CHECK #2	04/19/21
1		
2		
3		

LANDS OF MCLAUGHLIN & KONOLIGE

**HOGAN LAND SERVICES**  
A CALIFORNIA CORPORATION

5575 LOVAL VALLEY ROAD  
NAPA, CALIFORNIA

1702 4TH STREET  
SANTA ROSA, CA 95404

www.hoganls.com

TEL (707) 544-2104  
FAX (707) 522-2105

DRN: WG/JC  
CHK: DB3  
PM: JC  
DATE: 8/3/21  
JOB #: 3567

APN: 050-361-013-000

*ENCLOSURE B*

RECORDING REQUESTED BY AND  
PLEASE RETURN TO:

WITH COPY TO:

Brian Bordona, Deputy Director  
1195 Third Street, Second Floor PBES Dept.  
Napa, California 94559

Exempt from recording fees: Gov. Code  
Sec. 27383;  
Exempt from documentary transfer tax:  
Rev & Tax Code Sec. 11922

**For Recorder's Use Only**

Assessor's Parcel No: 045-300-018-000

**DECLARATION OF RESTRICTIVE COVENANTS**

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") is made this \_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_ (the "Declarants") with reference to the following facts:

- A. The Declarants are the owners in fee simple of certain real property within the unincorporated area of Napa County, State of California, designated Assessor's Parcel Number XXX-XXX-XXX-000 on Napa County Assessor's Maps in effect as of the date of this Declaration of Restrictive Covenants, and more particularly described in Exhibit A attached hereto and incorporated herein by the reference (the "Property")
- B. The Property is subject to *Permit No.* (the "UP") issued by Napa County (the "County") approving the development and subsequent operation of certain vineyards on the Property.
- C. In connection with approval of the UP, Declarants have committed via condition of approval to the protection of \_\_\_\_ acres of the Property's remaining oak woodland delineated as "Preserved Area" in Exhibit B attached hereto, as of the date of this Declaration and incorporated herein by reference, to be placed under a forever wild deed restriction for the benefit of the County (hereinafter referred to as the "Protected Area"). This Declaration is intended to fulfill the commitment to put \_\_\_\_ acres of the Property's remaining oak woodland areas under a deed restriction to provide protection in perpetuity for the Protected Area.

NOW, THEREFORE, the Declarants covenant during the Term (as specified in Section 2 below) the following restrictions on the Protected Area:

1. Restrictions on uses within the Protected Area. No earthmoving, grading, improvements, buildings, or other types of structures inconsistent with the protection of the Protected Area

as oak woodland and native habitat shall be erected, constructed, or placed within the Protected Area, subject to the following provisions:

- a) Declarants may manage vegetation within the Protected Area under the direction of the California Department of Forestry and Fire Protection (“CalFire”) or another qualified person or agency for fuel reduction purposes.
  - b) After consulting with a qualified biologist, ecologist, or other qualified professional, Declarants may adjust the boundaries of the Protected Area so long as the total area remains no less than 0.63 acres. The adjusted boundaries shall be approved by the Napa County Planning Division prior to implementation so long as the total area remains no less than 0.63 acres and is of equivalent or better from a vegetative composition and biological value perspective.
2. Term. This Declaration shall bind Declarants and their successors, assigns, agents, and employees, is intended to run with the land, and may be enforced by the County. If the County determines that Declarants or their successor are in violation of this Declaration, the County shall notify Declarants or their successor, in writing, of County’s findings and give Declarants or their successor at least thirty (30) days in which to cure said violation before initiating legal actions. If, however, such corrective action cannot be reasonable performed within said thirty (30) days, Declarant or its successor shall be allowed such additional time before legal action is initiated as is reasonably necessary so long as Declarants promptly commences and diligently pursues the cure to completion.
  3. No Modification. This Declaration in no way modifies the terms of the UP, which shall control in the event of any conflict.
  4. Restoration. Should the Protected Area be damaged by wildfire, disease, or other occurrences not caused by Declarants, Declarants shall have the right, but not the obligation, to restore the Protected Area. Such restoration shall be performed with consultation by a qualified biologist, ecologist, or other qualified professional. Declarants’ decision to restore the Protected Area pursuant to shall not impact Declarants’ rights under the ECP.
  5. Automatic Cancellation of Declaration. This Declaration shall remain in effect so long as the UP requiring the deed restriction remains in effect. Should Declarants or their successor abandon the activities permitted by the UP, Declarants may request in writing that the County terminate this Declaration. In addition, in the event the County adopts, and Declarants or their successors participates in, a mitigation bank or other conservation program for preservation of habitat that applies to the oak woodland, this Declaration may, subject to County’s approval, be terminated in accordance with such conservation program. In either event, Declarants or their successor may request that the County record a Notice of Cancellation of Declaration documenting the termination of this Declaration.

Declared this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

DECLARANTS:

COUNTY:

OWNER NAMES

NAPA COUNTY, a political subdivision  
of the State of California

\_\_\_\_\_

Name

By: \_\_\_\_\_

DAVID MORRISON, Director of Planning,  
Building, and Environmental Services

\_\_\_\_\_

Name

APPROVED AS TO FORM:

By: \_\_\_\_\_

EXHIBIT A

LEGAL DESCRIPTION

Parcel One, as shown on the map entitled "Map No. \_\_\_\_\_, Parcel Map of a portion of the lands

EXHIBIT B

PRESERVED OAK WOODLAND AREA

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

COUNTY OF ) SS.

On this      day of      , 2021      before me,      a Notary Public, personally appeared      , who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

COUNTY OF      ) SS.

On this      day of      , 20 21      before me,      a Notary Public, personally appeared      , who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

October 6, 2021

HLS# 3567

Planning, Building & Environmental Services  
1195 Third Street, Suite 210  
Napa, CA 94559

**Plan Check Response – P20-00269-UP**

Site:

5575 Lovall Valley Road  
Napa, California 95476  
APN: 050-361-013-000

Plan reviewers:

Pam Arifian – Planning Division

Subject:

Konolige and McLaughlin Sonoma Driveway

Enclosures (electronic PDF via email):

- Revised Preliminary Grading & Drainage Roadway Design Plan
- Revised Figure 1: Vegetation Communities

Dear Pam,

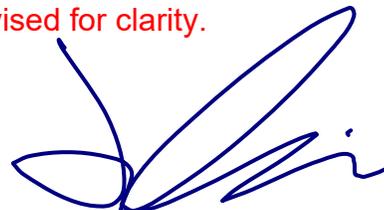
Please find attached enclosures addressing revisions to the subject permit. Responses to your comments have been in red below.

**Planning Division**

1. The vegetation mitigation requirements of 18.108.020(D) requires that location for preservation be prioritized as listed, including on site on land with slopes up to 50%. Please confirm the average slope of the proposed vegetation canopy cover mitigation area, or select a different area or plan that meets the mitigation criteria found in 18.108.020(D).  
**The vegetation mitigation area has been revised to be on land with slopes 50% or less. The average slope of the area has been added to the plan.**
2. On Sheet C2, regarding Environmental Commitments, please make the following global edits:
  - a. Remove “MM-“ from each BIO commitment.
  - b. Replace “should” with “shall” in all environmental commitments (e.g., “nesting bird survey shall be performed. . .; “felled trees shall be. . .)**The environmental notes have been revised for clarity.**



Hannah Chiu  
Assistant Planner II

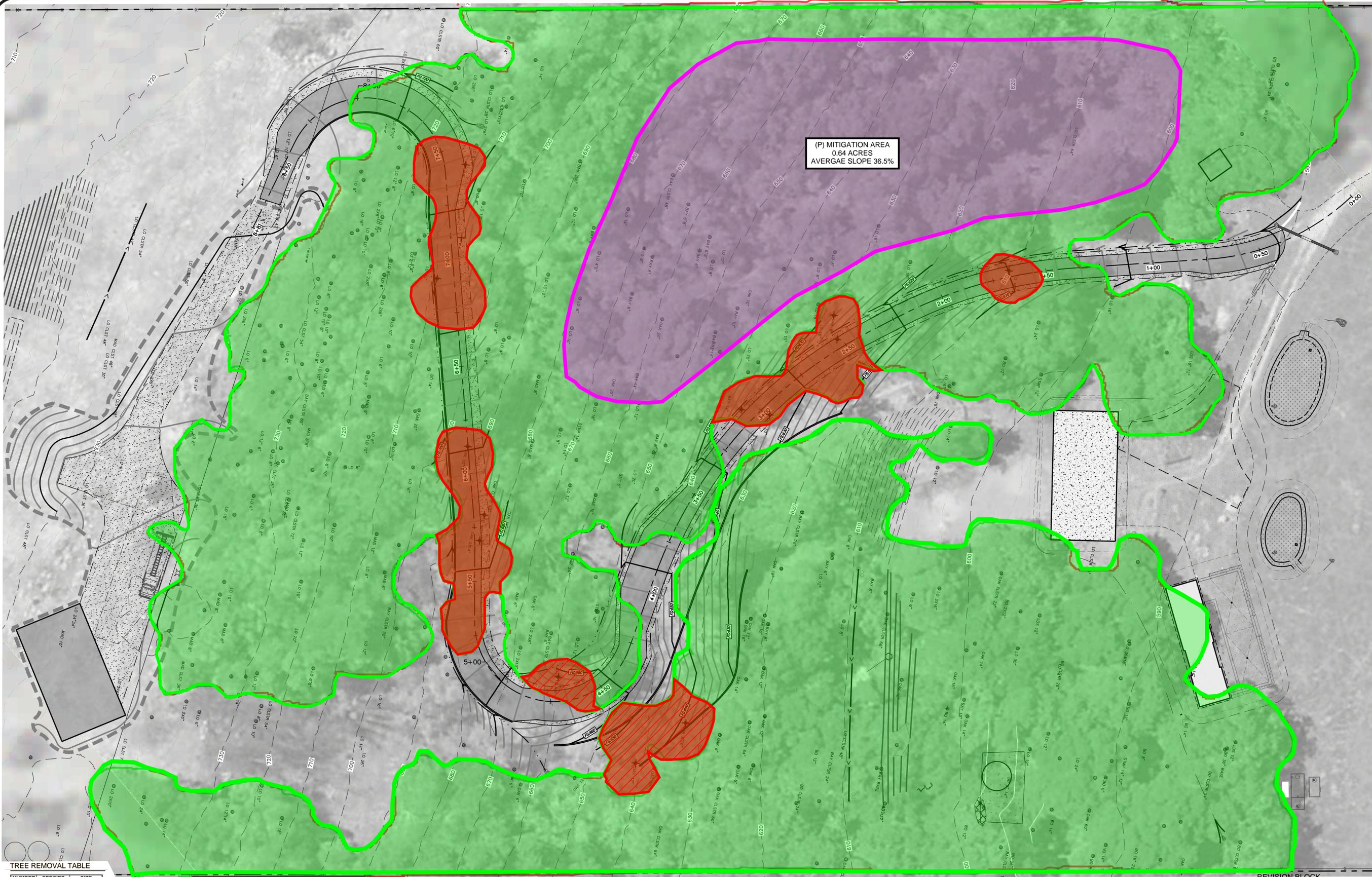


Jim Conklin, PE C92029  
Civil Department Manager

***“We’ll Get The Permit”***

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Z:\HLS-Projects\3547 McLaughlin-Loyal Valley RD\DWG\OTL\ROADWAY\3547-GAD ROADWAY CAD 2018.dwg, TREE SHEET FOR BIOLOGIST, 08/27/2021 9:26:32 AM, AutoCAD PDF (Diamet) Plot.pc3

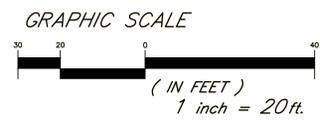


(P) MITIGATION AREA  
0.64 ACRES  
AVERAGE SLOPE 36.5%

**TREE REMOVAL TABLE**

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OAK WOODLAND CANOPY REMOVED	0.21 ACRES
OAK WOODLAND PRESERVATION @3:1 RATIO (MIN 0.63 ACRES)	0.64 ACRES

**REVISION BLOCK**

NO.	DESCRIPTION	DATE
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B	PLAN CHECK #2	04/19/21
1		
2		
3		

PRELIMINARY FOR USE PERMIT

**FIGURE 1: VEGETATION COMMUNITIES**

**HOGAN LAND SERVICES**  
A CALIFORNIA CORPORATION

5575 LOVAL VALLEY ROAD  
NAPA, CALIFORNIA

APN: 050-361-013-000

1702 4TH STREET  
SANTA ROSA, CA 95404

www.hoganls.com

TEL (707) 544-2104  
FAX (707) 522-2105

DRN: WG/C  
CHK: DB3  
PM: JC  
DATE: 09/21  
JOB #: 3567

THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF JANET MCLAUGHLIN IN SEPTEMBER 2018

**Preliminary**  
08/26/2021 11:15:26 PM  
JAMES M. CONKLIN P.E. C92029