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Recommended Conditions of Approval and Final Agency Approval Memos

**PLANNING COMMISSION HEARING – APRIL 4, 2018
RECOMMENDED CONDITIONS OF APPROVAL**

**Safeway Open Modular Suite
Use Permit Modification P17-00087 & Conservation Exception Request,
1600 Atlas Peak Drive, Napa
Assessor's Parcel No. (APN) 060-010-001**

This Permit encompasses and shall be limited to the project commonly known as Safeway Open Modular Suite, located at 1600 Atlas Peak Drive, Napa. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

Where conditions are not applicable or relevant to this project, they shall be noted as "Reserved" and, therefore, have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

This Permit encompasses and shall be limited to:

- 1.1 Approval of a Major Modification to the existing Silverado Resort & Spa Use Permit to authorize retention of a previously installed 1,600 square foot (40'X40') modular suite for a remaining period of three years from 2018 to 2020 to serve as an unoccupied modular suite except for event days during those three years. During the seven event days of the Safeway Open PGA Tournament held in October of each year, this modular suite would be used for assembly purposes within the building's capacity as a hospitality venue, subject annually to the County of Napa's Site Plan approval process; and
- 1.2 Approval of an exception to the Napa County Conservation Regulations (County Code Chapter 18.108), to allow this structure to encroach approximately 25 feet into the minimum required 55-foot stream setback from the top of bank of Milliken Creek – West Fork blue line stream (as defined in County Code Section 18.108.030).

The Safeway Open Modular Suite shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if

any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 MONITORING COSTS

All Staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the permittee's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the project:

4.1 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**

4.2 AMPLIFIED MUSIC **[RESERVED]**

4.3 TRAFFIC **[RESERVED]**

4.4 PARKING **[RESERVED]**

4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

Please contact the Building Division with any questions regarding the following:

In accordance with the California Building Code (CBC), no change shall be made in the use or occupancy of an existing building unless the building is made to comply with requirements of the current CBC as for a new building.

- 4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**
- 4.7 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**
- 4.8 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS
- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
 - b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
 - c. All outdoor screening, storage, mechanical equipment and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
 - d. **[RESERVED]**
 - e. **[RESERVED]**
- 4.9 NO TEMPORARY SIGNS
Temporary off-site signage, such as “A-Frame” signs are prohibited.
- 4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated March 7, 2018.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated January 26, 2018.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

- 4.11 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. By November 1st of 2018 and 2019, the modular suite shall be completely vacated and shut down for no occupancy. All temporary water, sewer and utility connections shall be dismantled and removed from the structure.
- b. By November 1st of 2020, the modular suite shall be removed from the 18th Hole of the North Golf Course and the site shall be completely restored to its original condition, which consists of the planting of manicured grass as part of the 18th Hole.
- c. Within 30 days of November 1st of 2010, final demolition plans of the modular suite and permanent foundation removal shall be submitted to the PBES Department's Building Division for building permit issuance. A site plan prepared by a qualified professional shall denote creeks, creek setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities are allowed within established creek setbacks unless specifically approved as part of this permit in COA No.1.0 (Scope) above. As determined by the PBES Director or designee, temporary construction fencing shall be placed at the creek setback line to prevent unauthorized encroachments. Any request for extension of time must be submitted in writing by the permittee and received by the PBES Director or designee before the end of the timelines specified herein, as those timelines may be extended by the Director.
- d. In conjunction with the submittal of a demolition plan for the modular suite and permanent foundation removal. A landscape or restoration plan for the demolition area shall be submitted showing how the area will be restored to its original condition to the extent feasible. The landscape plan shall be approved by the PBES Director or designee prior to installation.

4.13 PREVIOUS CONDITIONS [RESERVED]

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition environmental, building and/or other applicable permit applications:

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated March 7, 2018.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated January 26, 2018.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

Please contact the Building Division with any questions regarding the following:

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the CBC or any State or local amendment adopted thereto
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a "J" number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and or site improvements must comply with the CBC accessibility requirements, as well as, American with Disabilities Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL **[RESERVED]**

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.

- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward; located as low to the ground as possible; the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVED]**

6.5 COLORS **[RESERVED]**

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES **[RESERVED]**

6.7 MECHANICAL EQUIPMENT **[RESERVED]**

6.8 TRASH ENCLOSURES **[RESERVED]**

6.9 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

6.10 HISTORIC RESOURCES **[RESERVED]**

6.11 DEMOLITION ACTIVITIES **[RESERVED]**

6.12 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**

6.13 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**

6.14 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.15 FINAL MAPS **[RESERVED]**

6.16 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Within 30 days of this approval, the permittee shall submit to the PBES Department's Building Division a building permit application for the recognition of a modular suite as a permanent structure pursuant to the California Building Code, as well as, other applicable national, state, local requirements, including those requirements set forth in Condition of Approval 6.1(a) above.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

a. GRADING & SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.

8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

- d. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the State Regional Water Quality Control Board.

7.2 ARCHEOLOGICAL FINDING **[RESERVED]**

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities only shall occur daily between the hours of 8:00 AM to 5:00 PM.

7.5 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES**[RESERVED]**

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence:

9.1 FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.

- 9.2 SIGNS **[RESERVED]**
- 9.3 GATE/ENTRY STRUCTURES **[RESERVED]**
- 9.4 LANDSCAPING **[RESERVED]**
- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
- 9.7 GRADING SPOILS **[RESERVED]**
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL
CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL
CERTIFICATE OF OCCUPANCY **[RESERVED]**



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Charlene Gallina, Planning	From: Daniel Basore, Engineering <i>DB</i>
Date: March 7, 2018	Re: P17-00087 - Safeway Open Modular Suite Conditions of Approval APN: 060-010-001

The Engineering Division has reviewed the use permit application, P17-00087, for the Modular Suite located on assessor's parcel number 060-010-001. In general the project proposes the following:

"Add a modular office building"

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

1. The Existing Parcel is in a designated 100-year FEMA Flood Zone A

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. There shall be unobstructed emergency vehicle access provided at all times to the modular office building as agreed upon with the Fire Marshalls office.

PREREQUISITES FOR ISSUANCE OF PERMITS

2. No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic characteristics of a Special Flood Hazard Area **without first obtaining a floodplain permit** pursuant to Chapter 16.04 of the Napa County Code of Ordinances.
3. The Modular Suite and all associated infrastructure and site improvements are required to meet the provisions of Chapter 16.04 of the Napa County Code of Ordinances and 44 Code of Federal Regulations Section 60.3 based on the effective Flood Insurance Rate Map at the time of building permit submittal.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

4. If applicable Completed Elevation certificate (FEMA Form 086-0-33) shall be submitted and approved by the Engineering Division **prior to execution of any new entitlements.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

5. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Daniel Basore from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707)259-8328 or by email at Daniel.Basore@countyofnapa.org



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David Morrison
Director

MEMORANDUM

To:	Charlene Gallina, Project Planner	From:	Kim Withrow, Environmental Health Supervisor
Date:	January 26, 2018	Re:	Use Permit – Safeway Open Modular Suite APN 060-010-001 File #P17-00087

Environmental Health staff has reviewed an application requesting approval to construct a modular suite for hospitality use during the Safeway Open. During the non-tournament time, the modular unit will be stored in place and not used. This Division has no objection to approval of the application with the following conditions of approval:

1. The water supply must be disconnected from the unit and wastewater tanks removed from the site by November 1 each year until the unit is ultimately removed December 2020.