

“E”

Use Permit Application

Cardey Residence Driveway Repair Use Permit Exception to
the Conservation Regulations, #P18-00116-UP &
Request for Exception to Road and Street Standards
Planning Commission Hearing June 20, 2018



A Tradition of Stewardship
A Commitment to Service

FILE # _____

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

APPLICATION FOR USE PERMIT
EXCEPTION TO CONSERVATION REGULATIONS

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____
TYPE OF APPLICATION: _____ Date Published: _____
REQUEST: _____ Date Complete: _____

TO BE COMPLETED BY APPLICANT
(Please type or print legibly)

PROJECT NAME: Cardey Residence Driveway Repair

Assessor's Parcel #: 050-270-009 Existing Parcel Size: 14.95± acres

Site Address/Location: 1100 McCormick Lane, Napa, CA 94558
No. Street City State Zip

Property Owner's Name: Steven M. & Andrea L. Cardey

Mailing Address: 1100 McCormick Lane, Napa, CA 94558
No. Street City State Zip

Telephone #: (707) 363-0632 Fax #: () - E-Mail: scardey@sbcglobal.net

Applicant's Name: Same as Property Owner

Mailing Address: _____
No. Street City State Zip

Telephone #: () - Fax #: () - E-Mail: _____

Status of Applicant's Interest in Property: Property Owner

Representative Name: Paul N. Bartelt, P.E., Bartelt Engineering

Mailing Address: 1303 Jefferson Street, 200 B, Napa, CA 94559
No. Street City State Zip

Telephone # (707) 258-1301 Fax #: (707) 258-2926 E-Mail: paulb@barteltengineering.com

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, plot plan, floor plan, building elevations, water supply/waste disposal system plot plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Steven M. Cardey 3/28/18
Signature of Applicant Date
STEVEN M. CARDEY
Print Name

Signature of Property Owner Date

Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee Deposit: \$ _____ Receipt No.: _____ Received by: _____ Date: _____

SUPPLEMENTAL APPLICATION FORM
USE PERMIT EXCEPTION TO CONSERVATION REGULATION

1. Please explain the reason for the exception request.

The project proposes the construction and relocation of a portion of an existing driveway that was compromised as a result of a landslide in February 2017 on APNs 050-270-009 & 050-270-010 and to provide access to an existing residence located on APN 050-270-009. A majority of the compromised driveway and a portion of the proposed driveway are located within the creek setback for Browns Valley Creek. The construction activities associated with the proposed project will require grading and drainage activities to occur within the creek setback.

2. Are there any alternatives to the project which would not require an exception? Please explain.

Due to the limited points of access to the existing residence, there are no viable alternatives for relocating the existing driveway to a location that would not require an exception.

3. Describe how the project can meet the findings described in Section 18.104.040 A (structural or road project), or Section 18.108.040B (agricultural project).

Section 18.108.040.A. Structural/road development projects

a. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading: (Please describe).

The proposed realignment of the driveway will reduce the overall amount of asphalt within the creek setback, thus increasing the amount of area for tree and vegetation growth. Grading for the proposed driveway realignment will require minimal cuts and fills in order to conform with the surrounding natural topography; in addition, the existing driveway compromised by the landslide will be removed in its entirety and the slide area will be graded to a relatively smooth surface to encourage sheet flow of stormwater runoff.

See following Sections for additional description of the proposed project.

b. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:

- i. Multiple-floor levels which follow existing, natural slopes;
- ii. Foundation types such as poles, piles, or stepping level which minimize cut and fill and the need for retaining walls;
- iii. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

Does not apply.

c. The development project minimizes removal of existing vegetation , incorporates existing

vegetation into final design plans, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

Vegetation removal is limited to the area necessary to realign the driveway. All disturbed areas will to be seeded and mulched to establish a healthy ground cover and will be allowed to naturalize. Due to the close proximity of the existing landslide to the proposed driveway realignment, a stormwater basin is proposed uphill of the landslide to attenuate peak stormwater runoff in addition to the installation of rocklined roadside swales to prevent stormwater runoff erosion and promote sediment deposition within the rocklined areas.

4. Adequate fire safety measures have been incorporated into the design of the proposed development.

A fire/emergency vehicle turnout is proposed as part of the driveway realignment. Additionally, the turn at the top of the project area is to be widened to allow for easier vehicular access to the existing residence.

5. Disturbance to streams and watercourses shall be minimized, and setbacks shall be retained as specified in Section 18.108.025.

Encroachment into Browns Valley Creek is limited to a storm drain outfall extension and placement of rock slope protection in order to eliminate stream bank erosion and mitigate the headcut that is occurring under the existing condition. All work within the top of bank will be completed by hand, no equipment will be allowed within Browns Valley Creek. The proposed driveway realignment provides a greater separation between the top of creek bank and the proposed driveway to allow for a vegetative buffer to filter stormwater runoff.

6. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

The proposed driveway realignment is not expected to adversely impact any threatened or endangered plants or animal habitats; on the contrary, the project will reduce the amount of sediment laden erosion and runoff in comparison to the existing site conditions. See "Biological Assessment" currently being prepared.

Section 18.108.040.B. Agricultural projects, or Agricultural roads as defined by Planning, Building, and Environmental Services, Engineering Division

7. The erosion rate that results two years from the completion of the proposed agricultural development does not exceed the soil tolerance factor approved by the Natural Resource Conservation Service for the soil type, topography and climatic conditions in which the project is located; (Please attach a copy of the USLE worksheet used to determine the erosion rate).

Section 18.108.040.B does not apply. The exception request is not for an agricultural project.

8. Impacts on streams and watercourses are minimized, and adequate setbacks along these drainageways are or will be maintained.

Section 18.108.040.B does not apply. The exception request is not for an agricultural project.

9. The project does not adversely impact sensitive, rare, threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

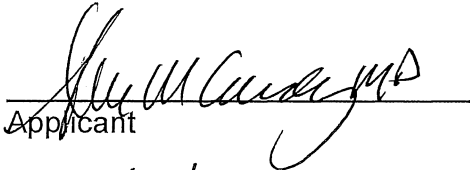
Section 18.108.040.B does not apply. The exception request is not for an agricultural project.

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.


Applicant

3/28/18
Date

Property Owner (if other than Applicant)

APN 050-270-009
Project Identification