

“B”

Recommended Conditions of Approval

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

PLANNING COMMISSION HEARING – JUNE 20, 2018
RECOMMENDED CONDITIONS OF APPROVAL

Cardey Residence Driveway Repair
Use Permit Conservation Exception Request, Application P18-00116-UP and
Request for Exception to Road and Street Standards (RSS)
1100 McCormick Lane, Napa
Assessor's Parcel No. (APN) 050-270-009

This Permit encompasses and shall be limited to the project commonly known as *Cardey Residence Driveway Repair*, located at 1100 McCormick Lane, 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. 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 An exception to the Napa County Conservation Regulations (County Code Chapter 18.108), in the form of a Use Permit, in order to allow the reconstruction and relocation of a private driveway to encroach into the minimum required 55- to 65-foot stream setback from the top of bank of Browns Valley Creek, a blue-line and County definitional stream on the parcel located at 1100 McCormick Lane (Assessor's Parcel No. 050-270-009), providing access to the private residence at the same address.
- 1.2 An exception to the Napa County Road and Street Standards to allow a non-standard longitudinal slope and a horizontal inside radius of curvature of less than 50 feet for portions of the length of the project.

The driveway repair 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. 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 **[RESERVED]**
- 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. **[RESERVED]**
- b. **[RESERVED]**
- c. **[RESERVED]**
- d. **[RESERVED]**
- e. **[RESERVED]**

4.9 NO TEMPORARY SIGNS **[RESERVED]**

4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES -
OPERATIONAL CONDITIONS **[RESERVED]**

- a. Engineering Division operational conditions as stated in their memoranda of April 18, 2018.
- b. Fire Department operational conditions as stated in their memorandum of April 18, 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 **[RESERVED]**

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 [RESERVED]**

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 Division plan review/construction/ preoccupancy conditions as stated in their memoranda of April 18, 2018.
- b. Fire Department plan review/construction/ preoccupancy conditions as stated in their memorandum of April 18, 2018.

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. **[RESERVED]**

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

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final tree planting plan shall be submitted to the Planning Division's review and approval prior to project implementation. The plan shall be prepared by a qualified biologist or landscape architect, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and, to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely

installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with development/construction. In no case shall construction material, debris, or vehicles be stored in the fenced tree protection area.

d. [RESERVED]

- e. The irrigation system shall utilize reclaimed water when it is made available in the vicinity. All areas disturbed as a result of the project shall be seeded and mulched.

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. A site plan prepared by a qualified professional shall denote streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities are allowed within established stream setbacks unless specifically approved as part of this permit in COA No.1 (Scope) above. As determined by the PBES Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments.

- b. The permittee shall obtain a grading permit prior to commencing construction of the driveway improvements.

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/perfaq_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**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

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.

7.4 **CONSTRUCTION MITIGATION MEASURES [RESERVED]**

- 7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**
- 8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**
 - 8.1 TEMPORARY OCCUPANCY **[RESERVED]**
- 9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**
 - 9.1 FINAL OCCUPANCY **[RESERVED]**
 - 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
All demolition activities associated with the removal of the compromised driveway shall be completed, landscaping installed, and debris cleared from the subject parcel.
 - 9.7 GRADING SPOILS
All spoils piles shall be removed in accordance with the approved grading permit and/or building permit.
 - 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. Permittee shall comply with each of the Conditions 9.6 and 9.7 in this Section 9.0, before a Final Inspection of the Building or Grading Permit is conducted by the County Building Official. All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed prior to the Final Inspection.



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

To: Kyra Purvis, Planning	From: Daniel Basore, Engineering
Date: April 18, 2018	Re: P18-00116 Cardey Residence Driveway Repair Conditions of Approval APN: 050-270-009-000

The Engineering and Conservation division ('Engineering') has reviewed the use permit application P18-00116 for the Cardey Residence Driveway Repair located on assessor's parcel number 050-270-009-000. In general the project proposes the following:

"Reconstruction and relocation of a portion of an existing driveway compromised due to slope failure to existing single family residence, requiring a use permit for exception to the conservation regulations due to location within the creek setback and requesting an exception to the Napa County Road and Street Standards."

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

PREREQUISITES FOR ISSUANCE OF PERMITS

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed as part of this application shall meet the requirements as outlined in the Road Exception Evaluation dated April 18, 2018 prepared by this Division enclosed herein. Any portions of the road not specifically addressed in the Road Exception Evaluation shall meet the 2017 Napa County Road and Street Standards. A grading permit is required for the road improvements.
2. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

3. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.

PREREQUISITES FOR FINAL

4. 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



A Tradition of Stewardship
A Commitment to Service

David Morrison
Director

MEMORANDUM

To: Kyra Purvis Planning Division	From: Daniel Basore Engineering Services
Date: April 18, 2018	Re: P18-00116 Cardey Residence Road Exception Evaluation APN: 050-270-009-000

ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request, dated February 2018 for an exception to the Napa County Road and Street Standards (NCRSS) for the proposed Cardey Residence Driveway Improvements located at 1100 McCormick Lane, Napa, California 94558. The project purposes the reconstruction and relocation of approximately 550 linear feet of driveway that was compromised as a result of a slope failure.

The project will restore the main access to the existing residence on the parcel and provide secondary access to APN 050-207-010. The proposed driveway re-construction will provide safe ingress and egress to the existing residence while providing the same overall practical effect as the 2017 NCRSS. The project seeks an exception request to the NCRSS to allow for a non-standard longitudinal slope and a horizontal inside radius of curvature of less than 50.0'.

ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request noted above with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) of the NCRSS as adopted by Resolution No. 2017-156 by the Board of Supervisors on September 26, 2017, this division has determined the following:

NON-STANDARD SLOPE & MINIMUM HORIZONTAL INSIDE RADIUS EXCEPTION REQUEST:

The request for a non-standard slope of 19.5% for approximately 350' (from STA 10+00 to STA 16+50*) and an inside radius of curvature of less than 50.0' (approx. 25.0' at STA 15+50 to STA 16+60) from existing topographical features, trees, steep slopes, and setback from the natural water course as allowed by the NCRSS Section 3, (d)i and (d)ii. The improvement achieves the same overall practical effect of the RSS by

*All road stations referenced throughout this document are based on the associated Plan Set entitled "Cardey Residence Driveway Improvement Plan" dated February 26, 2018 prepared by Bartelt Engineering.

P18-00116 CARDEY RESIDENCE ROAD EXCEPTION EVALUATION

ENGINEERING SERVICE

ROAD EXCEPTION EVALUATION

Page 2 of 2

providing defensible space and consideration toward life, safety and public welfare by providing the following permanent measures:

1. Horizontal and Vertical vegetation management shall be implemented along the entire length of the private lane and around any existing and proposed structures to create defensible space and provide clear site distance.
2. Driveway improvements as proposed in the "Cardey Residence Driveway Improvement Plan" prepared by Bartelt Engineering.
3. 5% or less sections of driveway directly before and after the proposed non-standard (19.5%) slope section.

ENGINEERING DIVISION EXCEPTION SUPPORT:

The road exception request has provided the necessary documentation as required by RSS Section 3(D) for the Engineering Division to support the Exception Request for approval by the required approving body. The following conditions are in addition to any and all conditions previously placed on the project as part of this discretionary application:

1. The roadway improvements shall be constructed and maintained to the approved condition throughout the life of the parcel or until such time the County deems that future road design changes or changes in use of this roadway beyond the use proposed shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.
2. The private drive surface shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions equivalent to the H20-44 criterion and the design Traffic Index.



A Tradition of Stewardship
A Commitment to Service

Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

TO: Planning Division	DATE: 4/18/2018
FROM: Chase Beckman Fire Department	
SUBJECT: P18-00116	APN: 050-270-009

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. Based upon the information provided the Napa County Fire Department approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
3. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1462 or email at chase.beckman@fire.ca.gov