

# **Napa County**

1195 THIRD STREET  
SUITE 310  
NAPA, CA 94559



## **Agenda**

**Wednesday, July 24, 2024**

**9:00 AM**

**Board of Supervisors Chambers, Third Floor  
1195 Third Street  
Napa CA 94559**

### **Zoning Administrator**

*Brian D. Bordona, Zoning Administrator  
Laura Anderson, County Counsel  
Michael Parker, Planning Manager  
Alexandria Quackenbush, Meeting Clerk  
Angie Ramirez-Vega, Meeting Clerk*

**How to Watch or Listen to the Napa County Zoning Administrator Meetings**

The Napa County Zoning Administrator will continue to meet the 4th Wednesday of each month when a meeting is scheduled.

The Napa County Zoning Administrator realizes that not all County residents have the same ways to stay engaged, so several alternatives are offered. Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the Zoning Administrator reserves the right to conduct the meeting without remote access.

Please watch or listen to the Zoning Administrator meeting in one of the following ways:

1. Attend in-person at the location posted on the agenda.
2. Watch on Zoom using the attendee link: <https://countyofnapa.zoom.us/j/81121621728>. Make sure the browser is up-to-date.
3. Listen on Zoom by calling 1-669-900-6833 (Meeting ID: 811-2162-1728).

**If you are unable to attend the meeting in person and wish to submit a general public comment or a comment on a specific agenda item, please do the following:**

1. Email your comment to [meetingclerk@countyofnapa.org](mailto:meetingclerk@countyofnapa.org). Emails received will not be read aloud but will still become part of the public record and shared with the Zoning Administrator.
2. Use the Zoom attendee link: <https://countyofnapa.zoom.us/j/81121621728>. Make sure the browser is up-to-date. When the Zoning Administrator calls for the item on which you wish to speak, click "raise hand." Please limit your remarks to three minutes.
3. Call the Zoom phone number 1-669-900-6833 and enter the webinar ID: 811-2162-1728. When the Zoning Administrator calls for the item on which you wish to speak, press \*9 to raise hand. Please limit your remarks to three minutes.

**\*\*Please note that phone numbers in their entirety will be visible online while speakers are speaking\*\***

For more information, please contact us via telephone at (707) 253-4417 or send an email to [meetingclerk@countyofnapa.org](mailto:meetingclerk@countyofnapa.org).

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE ZONING ADMINISTRATOR:

ON A MATTER ON THE AGENDA

Please proceed to the podium when the matter is called and, after receiving recognition from the Zoning Administrator, give your name and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Administrator but is generally limited to three minutes.

ON A MATTER NOT ON THE AGENDA

Public comment is an opportunity for members of the public to speak on items that are not on the agenda but are within the subject matter jurisdiction of the Zoning Administrator. Public comment is limited to three minutes per speaker, subject to the discretion of the Administrator. Comments should be brief and focused, and speakers should be respectful of one another who may have different opinions. Please remember this meeting is being recorded and broadcasted live via ZOOM. The County will not tolerate profanity, hate speech, abusive language, or threats. Also, while public input is appreciated, the Brown Act prohibits the Zoning Administrator from taking any action on matters raised during public comment that are not on the agenda.

- 1. AGENDA REVIEW**
- 2. PUBLIC HEARING ITEMS**

- A. Harvest Stomp 2024 - Category 4 Temporary Event Application  
#P24-00165

[24-1213](#)

CEQA Status: Ministerially Exempt from the provisions of the California Environmental Quality Act (CEQA). The project site is not included in the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of an application for Temporary Event License P24-00165 filed by Quincy Scott of the Napa Valley Grapegrowers to hold Harvest Stomp 2024. This event will be held on August 24, 2024, from 6:00pm-11:00pm with a maximum of 600 people in attendance. This event will be located off of Tubbs Lane, 850 ft. down on the Northeast side of Bennett Lane, Assessor's Parcel # 017-150-007-000 (event site) 017-130-008-000 (parking site).

Staff Recommendation: Find that the project is Ministerially Exempt from CEQA and approve the Temporary Event Application.

Staff Contact: Riley Hebb, Permit Technician I, (707)299-1334 or [riley.hebb@countyofnapa.org](mailto:riley.hebb@countyofnapa.org)

Applicant Contact: Quincy Scott, Event Manager, Napa Valley Grapegrowers, (707)914-1591

**Attachments:** [Attachment A - Application](#)  
[Attachment B - Site Plan](#)



**B. COLIN REYNOLDS / ELIZABETH BOYD / NAPA MINI HOUSE /  
VARIANCE APPLICATION #P19-00294-VAR**

[24-1257](#)

CEQA Status: Consideration and possible adoption of a Categorical Exemptions, Section 15303, Class 3, 4, and 5. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301, Section 15303, Class 3 New Construction or Conversion of Small Structures, Section 15304, Class 4 Minor Alterations to Land, and Section 15305, Class 5 Minor Alterations in Land Use Limitations]. The project site is not included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5.

Request: Approval of a variance application to allow the following:

- 1) the construction of a 1,415 sq. ft., 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 (5) feet to four (4) 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 11 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 reduce the required side setbacks from five (5) feet to four (4) feet; and
- 5) allow a covered deck to extend six (6) feet into the rear setback, reducing the required setback from 20 feet to 14 feet.

Staff Recommendation: Find the project categorically exempt and approve the variance application, as conditioned, and authorize clearance for processing of an associated building permit for the residence.

Staff Contact: Wendy Atkins, Planner II, (707) 259-8757, or  
wendy.atkins@countyofnapa.org

Applicant Contact: Elizabeth Boyd, (206) 491-2860, or  
boyd.elizabethr@gmail.com

**Attachments:** [Attachment A Recommended Findings](#)  
[Attachment B Recommended Conditions of Approval](#)  
[Attachment C Categorical Exemption Memorandum](#)  
[Attachment D Variance Application](#)  
[Attachment E Graphics](#)  
[Item 2B Memorandum \(added after meeting\).pdf](#)

**3. ADJOURNMENT**

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON 7/19/2024 BY 2:30pm. A HARDCOPY SIGNED VERSION OF THE CERTIFICATES IS ON FILE WITH THE SECRETARY OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

ALEXANDRIA QUACKENBUSH(By e-signature)

Alexandria Quackenbush, Secretary of the Zoning Administrator



# Napa County

## Board Agenda Letter

1195 THIRD STREET  
SUITE 310  
NAPA, CA 94559  
www.countyofnapa.org  
Main: (707) 253-4580

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Zoning Administrator

**Agenda Date:** 7/24/2024

**File ID #:** 24-1213

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**TO:** NAPA COUNTY ZONING ADMINISTRATOR  
**FROM:** Riley Hebb for Brian D. Bordona-Planning, Building, Environmental Services Director  
**REPORT BY:** Riley Hebb, Permit Technician I  
**SUBJECT:** Harvest Stomp 2024

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### **RECOMMENDATION**

Harvest Stomp 2024 - Category 4 Temporary Event Application #P24-00165

CEQA Status: Ministerially Exempt from the provisions of the California Environmental Quality Act (CEQA). The project site is not included in the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of an application for Temporary Event License P24-00165 filed by Quincy Scott of the Napa Valley Grapegrowers to hold Harvest Stomp 2024. This event will be held on August 24, 2024, from 6:00pm-11:00pm with a maximum of 600 people in attendance. This event will be located off of Tubbs Lane, 850 ft. down on the Northeast side of Bennett Lane, Assessor's Parcel # 017-150-007-000 (event site) 017-130-008-000 (parking site).

Staff Recommendation: Find that the project is Ministerially Exempt from CEQA and approve the Temporary Event Application.

Staff Contact: Riley Hebb, Permit Technician I, (707)299-1334 or [riley.hebb@countyofnapa.org](mailto:riley.hebb@countyofnapa.org)

Applicant Contact: Quincy Scott, Event Manager, Napa Valley Grapegrowers, (707)914-1591

**EXECUTIVE SUMMARY**

That the Zoning Administrator:

1. Find that the project is Ministerially Exempt from the CEQA; and
2. Approve the Temporary Event Category 4 License P24-00165.

Discussion: On June 14, 2024, Napa Valley Grapegrowers applied for a permit for a Category 4 Temporary event to be held on Assessor's Parcel # 017-150-007-000 (event site) and 017-130-008-000 (parking site) on August 24, 2024, for a maximum of 600 people from 6:00 pm-11:00 pm. This event will be open to the public and limited by the number of tickets sold.

Unlike conditional use permits or other discretionary permits, temporary event permits are ministerial and shall be approved and issued if the minimum standards contained in the "Minimum Standards Table" of the Temporary Events Manual (the Minimum Standards) are met. Since the permit is ministerial, the purpose of the hearing is for the Zoning Administrator to evaluate and consider evidence regarding whether the applicant has demonstrated that the minimum standards have been met or will likely be met prior to the event. The Zoning Administrator cannot impose standards, conditions, or restrictions on the permit beyond what is provided in the Minimum Standards. As such, public comment should be limited to whether the Minimum Standards have or have not been met or will likely be met before the event permit. Any permits, approvals or authorizations required from other agencies, departments, or divisions must be satisfied prior to the event.

Staff recommends approval of the requested permit subject to compliance with County Code Chapter 5.36 and all applicable Minimum Standards in the Temporary Events Manual prior to the concert event.

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Pursuant to Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA) and Sections 15022 and 15268 of the State CEQA Guidelines issuance/approval of a temporary event license shall be conclusively presumed to be ministerially exempt from the requirements of CEQA and thus preparation of an environmental document is not required. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**BACKGROUND AND DISCUSSION**

Property Owner: Dekoven Ronald Meyer & Linda Ann (event site) and Bennett Lane Property LLC (parking site)

Applicant/Representative: Napa Valley Grap growers; Quincy Scott, Events Manager (707)914-1591

General Plan Designation: Agricultural Resource (AR)

Zoning: Agricultural Preserve (AP)

Project Site Area: 21.97 acres (event site) and 16.85 (parking site)

Application Submittal Date: June 14, 2024; Revision Requested: July 1, 2024 Deemed Complete: July 2, 2024

Code Compliance History: There are not new violations on record with this proposed activity.

Discussion: The applicant, Napa Valley Grap growers, requests a license to hold Harvest Stomp 2024 on August 24, 2024, with the event taking place on Assessor's Parcel # 017-150-007-000 and parking will take place on Assessor's Parcel # 017-130-008-000. A maximum of 600 people will be in attendance and the event is open to the public and will be limited by the number of tickets sold. Hours of the event are 6:00 pm-11:00 pm. Per the venue site plans, ADA restrooms will be available for the public as required by the Minimum Standards.

Noise: Since the temporary event permits are ministerial, applicant are not required to submit a noise study for County review. Furthermore, County Code Section 5.36.010 exempts temporary events from the County's noise standards, provided such events are conducted pursuant to a license issued pursuant to Chapter 5.36, respectively, of the code and then only as specifically required by such chapter of any manual of standards adopted by resolution of the Board of Supervisors for the purpose of implementing such chapter.

Permit/License Process: Since the event will have a maximum of 600 attendees, under NCC Section 5.35.015.G, it is considered a Category 4 event. This will be the first Category 4 event to occur on this parcel this year.

Event Authorization: County Code Sections 5.36.050.B requires a public hearing before the Zoning Administrator prior to issuance of a Category 4 license/permit. This Category 4 event meets the definition of a "temporary event" under County Code section 5.36.010, which means "...any festival, fair, show, house or garden design tour, concert, dance, rally, parade, demonstration of competition of creative athletic form, or any other gathering or assemblage of individuals for the purpose of observing or engaging in expressive activities within the ambit of the First Amendment of the United States Constitution and Sections 2, 3, and 4 of Article 1

of the California Constitution, including, but not limited to music, dance, theater, speech, athletics, or any other visual, audio, or tactile arts, or combination thereof.”

Per County Code Section 5.36.050B, within thirty days following receipt of a completed application, a public hearing shall be scheduled before the Zoning Administrator on the Department’s recommendation. At least ten days prior to the hearing, notice shall be given to property owners within 1,000 feet, interested persons, and mailed to the property owners and emailed to interested parties. The Notice was published in the Napa Valley Register on Saturday, July 13, 2024.

The application was deemed complete per the County’s application checklist and the required Certificate of Insurance was provided. Other agencies and departments were notified of the application and have determined the application meets or will likely meet the Minimum Standards that are within those agencies and departments’ jurisdictional authority.

Public Comments: As of the date this report was released, no comments have been received.

### **SUPPORTING DOCUMENTS**

1. Attachment A - Application
  
2. Attachment B - Site Plan



A Tradition of Stewardship  
A Commitment to Service

FILE # \_\_\_\_\_

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

**APPLICATION FOR A TEMPORARY EVENTS LICENSE**

To be completed by Applicant  
(Please type or print legibly)

Name of Event: Harvest STUMP Subsequent Event: ☐ Yes ☒ No  
Date(s) of Event: 8/24/2024 Previous Temporary Event Date(s): 1  
Time(s) of Event: 6pm - 11pm Previous License #: ✓  
Name of Venue: Vina Esperanza Assessor's Parcel #(s): 017-150-007-000  
Event Site Address: 3196 Bennett Lane, Calistoga CA 94515  
Expected Attendance (per day): 600

Applicant's or Organization's Name: Napa Valley Grapegrawers Contact Person: Quincy Scott  
Business/Residence Address: 831 Latour Ct. Ste A Napa CA 94558  
Mailing Address: Same  
Telephone #: 707-914-1591 Fax #: ✓ Email Address: qscott@napagrowers.org  
Applicant or authorized representative: Napa Valley Grapegrawers  
Name (please print): Caleb Mosley  
Signature: [Signature]  
Title: Executive Director Date: 6/1/24  
Applicant's Legal Nature: ☐ Individual ☐ Partnership ☐ LLC ☐ Association  
☐ Corporation ☒ Non-Profit, I.D. # 82-2012800 ☐ Other \_\_\_\_\_

Name(s) of Property Owner(s) (or authorized representative): Ren and Linda DeKoven  
Address (es) of Property Owner(s): 3196 Bennett Lane Calistoga CA 94515  
Telephone #: 707-239-6616 Fax #: ✓ Email Address: londonstark@me.com  
Mailing Address: Same

I hereby give my unconditional consent for all owners or current lessees for the use of my property for the above event and the right of access to the property involved, as are deemed necessary by the Napa County Planning Division for preparation of reports related to this application.

Signature of Property Owner (authorized representative) [Signature] Date: 5/1/24

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Zoning District: \_\_\_\_\_ Category of Event: \_\_\_\_\_ Existing Use Permit(s) #: \_\_\_\_\_  
Fees: \$ \_\_\_\_\_ Receipt: # \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_

## NAME OF EVENT SUPERVISOR:

Pamela Fishman Cianci, Outlined Productions

Will the event have any of the following? ☐ Displays, ☐ Demonstrations, ☒ Food tastings, ☐ Beverages sold (offered for sale or given away), ☐ Known person or celebrity appearance, ☐ Sales, book or other signings, ☒ Musical or creative arts presentations.

Please give a detailed description of event: Harvest STOMP is our annual fundraiser that supports the Napa Valley Grapegrowers and the Napa Valley Farmworker Foundation.  
See Attached.

Date(s): 8/24 Hours: 4pm-11pm

Time of expected Peak Hour: 7pm

Maximum Daily Attendance

Expected: 600

Expected Attendance

at Peak Hour: 600

## Supportive Retail Sales:

☐ Yes Type: \_\_\_\_\_

☒ No

## Outdoor Amplified Music Proposed?

Yes ☒ No ☐

Will the event utilize caves at any time during the event?

Yes ☐ No ☒

Are there any pending Building Permits?

Yes ☐ No ☒ If Yes, # \_\_\_\_\_

Will Tents, Canopies, Pavilions or Food Booths be used at this Event? Yes ☐ No ☒

If Yes, contact Napa County Fire Marshal 30 days prior to event for License Requirements.

Existing Use Permit Number(s) (if applicable): \_\_\_\_\_



## TEMPORARY EVENT SUPPLEMENTAL INFORMATION

## 1. Location and number of vehicle parking spaces, method of traffic control.

- a) Location(s): ☐ On Site ☒ off Site
- b) Number of Vehicle Parking Spaces: Paved \_\_\_\_\_ Unpaved \_\_\_\_\_
- c) Method of Traffic Control: ☒ Valet Parking ☐ Staff Volunteers
- d) Parking Attendants for traffic control: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ Specify # 10+
- e) A plot plan and verbal description of how off-site parking will be arranged (if applicable):  
\_\_\_\_\_
- f) A letter of permission from Property Owner to use the property where the off-site parking will be located has been submitted: ☐ Yes ☐ No ☐ N/A

2. If the event is held at a winery or other business, will the site open to the public during the event?  
Yes ☐ No ☒3. Number of attendees will be controlled by use of: ☒ Number of tickets being sold ☐ Other Talley  
If other, please explain: \_\_\_\_\_

## 4. Drinking Water Supply and Facilities:

- ☒ Drinking water provided by: \_\_\_\_\_
- ☐ Approved on-site system: \_\_\_\_\_
- ☐ Public Water System (name): \_\_\_\_\_
- ☒ Bottled Water: \_\_\_\_\_

5. Will food be served at the event? ☒ Yes ☐ No If YES, complete the following questions:

- a) Will food vendor donate 100% of net proceeds generated from food sales to a legal non-profit?  
☐ Yes ☐ No, if yes, non-profit ID# n/a no proceeds
- b) Is event a maximum of one day? ☒ Yes ☐ No

If you answered YES to a) AND b) above, a permit for the temporary food facility IS NOT required from Environmental Health. Facility must operate consistent with guidelines.

If you answered NO, or any portion of the profit will be kept by the vendor OR the event is more than one day, an application for the temporary food facility must be approved and a permit issued by Environmental Health. Contact Environmental Health at (707) 253-4471 or visit [www.countyofnapa.org/DEM](http://www.countyofnapa.org/DEM) for an application.

Contact information for person at event with food safety certificate or safe food handling knowledge:

Name: Anthony Cognetti - Tre Posti Phone: 707-963-7600  
Date of Food Safety Certificate, if applicable: \_\_\_\_\_

Food Preparation and Service (check one):

☒ By a permitted caterer, who will prepare, serve and be responsible for safe food preparation and handling throughout the event.

Name of Caterer Tre Posti Permit ID # of Caterer 317231  
☐ On-site permitted kitchen Permit ID # of Kitchen \_\_\_\_\_

Are there additional food vendors ☐ Yes ☐ No If yes, provide us with a list of their names and Permit #s. Temporary food facility permit may be required, contact Environmental Health.

**6. Sanitation Facilities:**

- a) The number of permanent toilet facilities 9 and/or the number of chemical toilets available in the area of the event for guest use?
- b) Company providing the chemical toilets: Napa Valley Luxury Restrooms

**7. Provisions for cleanup of trash and recyclables, the premises and removal of recyclables and non-recyclables:**

- a) Number of receptacles to be provided for trash 2 trash dumpsters 2 recycle dumpsters 8 compost containers
- b) Describe location where these receptacles will be placed Kitchen, throughout reception, back of house, bar areas
- c) Number of clearly labeled receptacles to be provided for recyclables see above  
(Recycling receptacles should always be placed next to a trash receptacle and near beverage areas.)

**8. Medical Facilities and Services:**

- |  |   |                             |
|--|---|-----------------------------|
| First Aid kit available                        | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Staff trained in First Aid available           | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Capabilities of contacting 911 in an emergency | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

**9. Fire Protection Facilities and Procedures:**

- |                                  |   |                             |
|----------------------------------|---|-----------------------------|
| Fire Extinguishers available     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Staff trained in Fire Procedures | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

**10. Building Safety:**

Will any part of the event take place in a building(s) that are under construction and/or within a cave(s)?

Yes ☐ No ☒

If yes, please include a floor plan showing the areas of the building(s) and/or cave(s) where event will take place.

**11. Security Protection Company hired:** ☒ Yes ☐ No

If yes, name of company: Spearhead Security

**12. Dust Control:** ☒ Yes ☐ No**13. Premises Illuminated:** ☒ Yes ☐ No**14. Will Event take place over night:** ☐ Yes ☒ No

a) Arrangements for illuminating the premises have been made: ☐ Yes ☒ No

b) If yes, explain: \_\_\_\_\_

c) What arrangements for camping or similar facilities are being made: \_\_\_\_\_

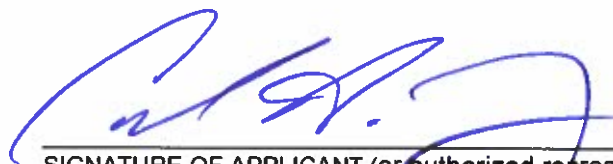
**15. Insurance attached and approved by Risk Management:** ☒ Yes ☐ No

(NOTE: Insurance subject to final review by Risk Manager and could result in delay, or cancelation of event).


**16. Defense and Indemnification Statement has been read, signed and attached:** ☒ Yes ☐ No

## DEFENSE AND INDEMNIFICATION STATEMENT

I HEREBY AFFIRM THAT I HAVE READ THE TEMPORARY EVENTS MANUAL AND STATE THAT THE INFORMATION PROVIDED WITH THE APPLICATION IS CORRECT. I AGREE TO COMPLY WITH ALL CONDITIONS ATTACHED TO THIS LICENSE, COUNTY ORDINANCES AND STATE LAWS RELATED TO CONDUCTING THE ACTIVITIES DESCRIBED IN THE APPLICATION. I AGREE TO DEFEND, INDEMNIFY AND HOLD THE COUNTY OF NAPA AND EACH AND ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES HARMLESS FROM ANY AND ALL CLAIMS, ACTIONS, DAMAGES, COSTS AND EXPENSES, INCLUDING ATTORNEY'S FEES, TO THE EXTENT SUCH ARE CAUSED BY THE NEGLIGENT ACTS OR OMISSIONS BY ME OR AUTHORIZED PARTICIPANTS OR ATTENDEES AT THE TEMPORARY EVENT.

  
 \_\_\_\_\_  
 SIGNATURE OF APPLICANT (or authorized representative)  
 (Required)

6/1/24  
 \_\_\_\_\_  
 DATE

  
 \_\_\_\_\_  
 SIGNATURE OF PROPERTY OWNER (or authorized representative)  
 (Required)

5/1/24  
 \_\_\_\_\_  
 DATE

**PLEASE ATTACH YOUR CERTIFICATE OF INSURANCE TO THIS DOCUMENT**

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### FOR OFFICE USE ONLY

DATE SUBMITTED: \_\_\_\_\_

FILE NUMBER: \_\_\_\_\_



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

**FEE WAIVER REQUEST FORM**

To be completed by Applicant  
(Please type or print legibly)

Applicant Name: Napa Valley Grapegrowers

Date of Fee Waiver Application: \_\_\_\_\_

Date(s) of Event: August 24, 2024

Location of Event: 3196 Bennett Lane Calistoga, CA 94515

Contact Person: Quincy Scott Phone #: 707-914-1591

Please complete the following questions:

- Our organization is a qualified non-profit corporation, incorporated pursuant to the Non-Profit Corporation Law.  
☒ Yes Tax ID #: 82-2012860  
☐ No
- Our organization will advance one or more of the following public policies: (please check at least one box)
 

<input checked="" type="checkbox"/> Public Education	<input type="checkbox"/> Human Resource Development
<input type="checkbox"/> Public Safety	<input type="checkbox"/> Environmental Policy
<input type="checkbox"/> Social Welfare	<input type="checkbox"/> Other: Public _____
<input type="checkbox"/> Public Health Care	
- Approval of the fee waiver is in the public interest and creates a public benefit because:  
Proceeds from the event support the missions of the Napa Valley Grapegrowers and Napa Valley Farmworker Foundation and community outreach programs.  
 Example: Approval of the fee waiver is in the public interest and creates a public benefit because this event and the dollars raised will allow our chartered school, which is operating under the Napa Valley Unified School District, to continue offering after school programs, music, art and other core subject support and enrichment programs.
- A non-profit organization applying for a Fee Waiver shall indicate what percentage 100 % or dollar amount \$ \_\_\_\_\_ of the proceeds of this event will be donated for the public benefit of the citizens of Napa County.

**TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES**

Fee Waiver Approved By: \_\_\_\_\_  
Applicant Notified of Approval on: \_\_\_\_\_

Date of Fee Waiver Approval: \_\_\_\_\_  
T.E. Application Submitted on: \_\_\_\_\_





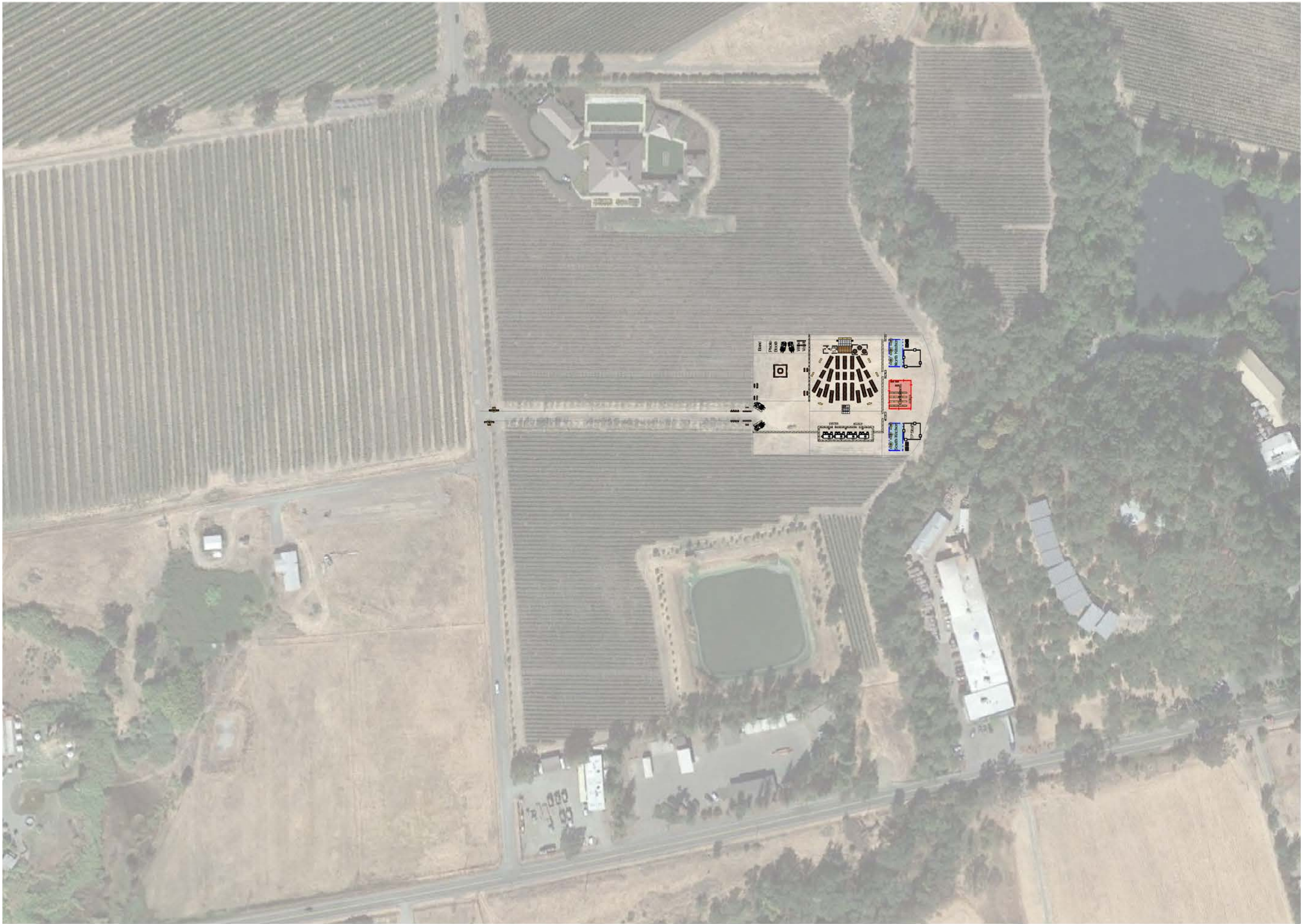
#### **GUEST PARKING DETAILS:**

- Parking will be held at 3195 Bennett Lane, Calistoga
- Owned by: FNR & TK LLC
- FARM Napa Valley to support with site clean up, mowing, and other safety arrangements to the lot
- Rideshare and other drop offs will take place inside parking area, guests can walk across the street after safely exiting vehicles off the road.
- Gilmore Valet to support with parking direction and road crossing to the event entrance

#### **EVENT SITE DETAILS:**

- Two-way egress in/out of the event entrance for emergency vehicles





22674 Broadway, Suite A  
Sonoma, CA 95476  
(707) 940-6000  
[www.Bright.com](http://www.Bright.com)

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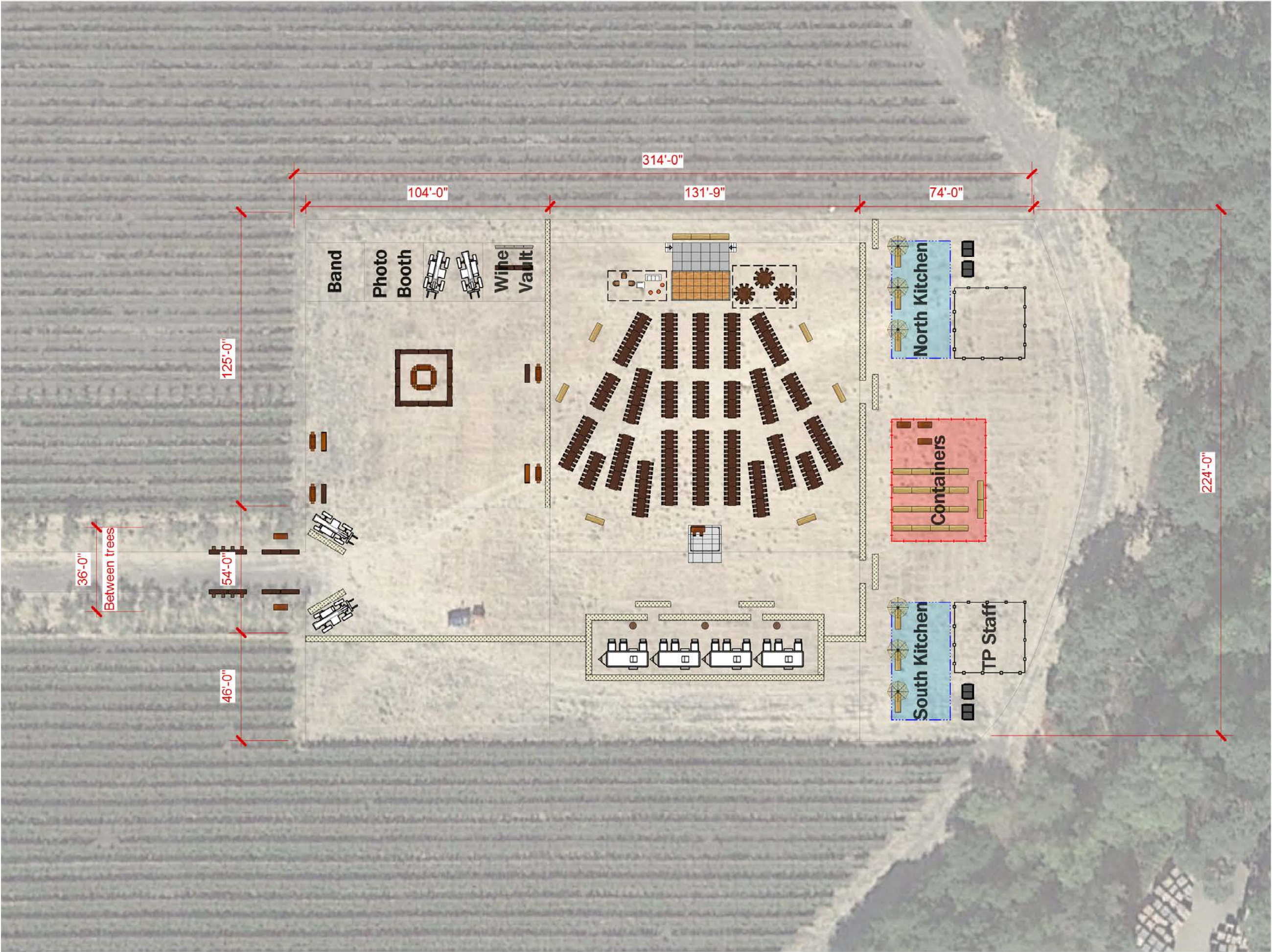
Order / Bid #:  
R 315343


Event Date: 08/24/2024  
Delivery Date: 08/20/2024

**- STOMP 2024 -**  
**Dekoven Vineyards**  
**Overall View**

Version: 1  
Print Date: 4/30/2024  
Sales Agent: AS  
CAD Agent: MM  
Scale: 1:2000







22674 Broadway, Suite A  
Sonoma, CA 95476  
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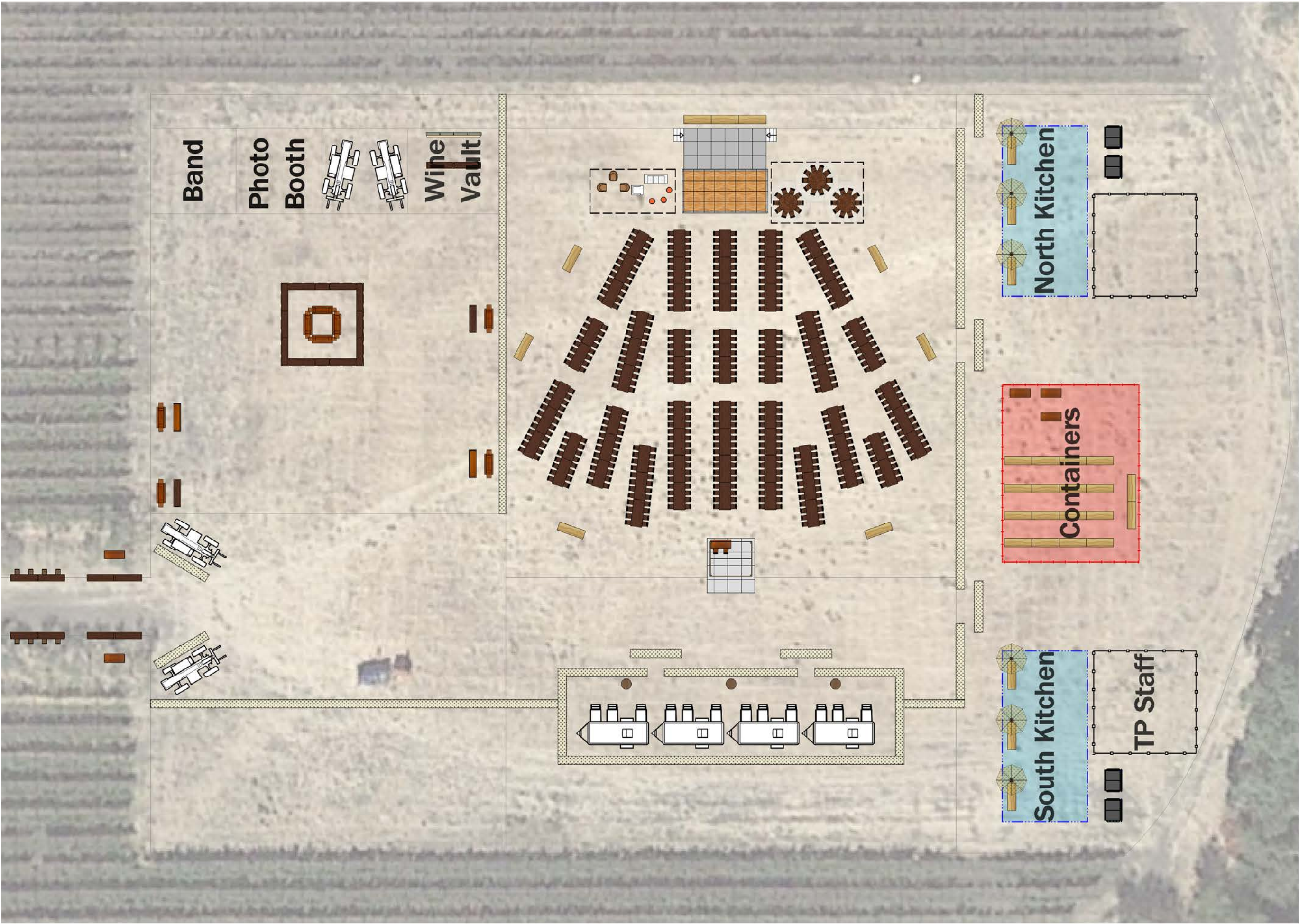
Order / Bid #:  
R 315343


Event Date: 08/24/2024  
Delivery Date:

**- STOMP 2024 -**  
**Dekoven Vineyards**  
**Event View**

Version: 1  
Print Date: 4/30/2024  
Sales Agent: AS  
CAD Agent: MM  
Scale: 1:480







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Order / Bid #: R 315343

Event Date: 08/24/2024  
Delivery Date: 08/20/2024

**- STOMP 2024 -**  
**Dekoven Vineyards**  
**Event View**

Version: 1  
Print Date: 4/30/2024  
Sales Agent: AS  
CAD Agent: MM  
Scale: 1:320





# Napa County

## Board Agenda Letter

1195 THIRD STREET  
SUITE 310  
NAPA, CA 94559  
www.countyofnapa.org  
Main: (707) 253-4580

Zoning Administrator

**Agenda Date:** 7/24/2024

**File ID #:** 24-1257

**TO:** NAPA COUNTY ZONING ADMINISTRATOR  
**FROM:** Michael Parker for Brian D. Bordona - Planning Director  
**REPORT BY:** Wendy Atkins, Planner II  
**SUBJECT:** Napa Mini House P19-00294-VAR

### **RECOMMENDATION**

COLIN REYNOLDS / ELIZABETH BOYD / NAPA MINI HOUSE / VARIANCE APPLICATION #P19-00294-VAR

CEQA Status: Consideration and possible adoption of a Categorical Exemptions, Section 15303, Class 3, 4, and 5. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301, Section 15303, Class 3 New Construction or Conversion of Small Structures, Section 15304, Class 4 Minor Alterations to Land, and Section 15305, Class 5 Minor Alterations in Land Use Limitations]. The project site is not included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5.

Request: Approval of a variance application to allow the following:

- 1) the construction of a 1,415 sq. ft., 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 (5) feet to four (4) 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 11 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 reduce the required side setbacks from five (5) feet to four (4) feet; and

5) allow a covered deck to extend six (6) feet into the rear setback, reducing the required setback from 20 feet to 14 feet.

Staff Recommendation: Find the project categorically exempt and approve the variance application, as conditioned, and authorize clearance for processing of an associated building permit for the residence.

Staff Contact: Wendy Atkins, Planner II, (707) 259-8757, or [wendy.atkins@countyofnapa.org](mailto:wendy.atkins@countyofnapa.org)

Applicant Contact: Elizabeth Boyd, (206) 491-2860, or [boyd.elizabethr@gmail.com](mailto:boyd.elizabethr@gmail.com)

## **EXECUTIVE SUMMARY**

Proposed Actions:

That the Zoning Administrator:

1. Find the project Categorically Exempt from CEQA based on Findings 1 through 3 of Attachment A;
2. Approve the Variance Application (P19-00294-VAR) to allow the following:
  - a) the construction of a 1,415 sq. ft 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 (5) feet to four (4) feet;
  - b) 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 11 feet to four (4) feet for the third story;
  - c) reduction in off-street parking from two (2) to one (1) space;
  - d) 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 reduce the required side setbacks from five (5) feet to four (4) feet;
  - e) allow a covered deck to extend six (6) feet into the rear setback, reducing the required setback from 20 feet to 14 feet.;

based on Findings 4 through 7 of Attachment A and subject to the conditions of approval in Attachment B.

Discussion:

A Variance application is requested to allow the installation of a parking space in the required road and front setback and side yard setbacks. The proposed residence would encroach into the side yard setbacks and into the addition required side yard setback for each story above the first story of the building. In addition, and the sunshade would encroach into the required rear yard setback. With this Variance, staff would be able to authorize clearance for processing of an associated building permit for the residence. Given the analysis presented herein, staff recommends that the required variance findings be made, and the application be approved.

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of Categorical Exemptions Class 3, 4, and 5. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15303, Class 3 New Construction or conversion of Small Structures; Section 15304, Class 4 Minor Alterations to Land, which may be found in the guidelines for the implementation of the California Environmental Quality Act at Title 14 CCR §15301, §15303, and §15304, and Section 15305, Class 5 Minor Alterations in Land Use Limitations pursuant to Napa County's Local Procedures for Implementing CEQA]. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.DETERMINATION: Click or tap here to enter text.

### **BACKGROUND AND DISCUSSION**

Owner: Colin Reynolds / Elizabeth Boyd / Napa Mini House / (206) 491-2860, or [boyd.elizabethr@gmail.com](mailto:boyd.elizabethr@gmail.com)

Zoning: Residential Single / Airport Compatibility District (RS:AC)

General Plan Designation: Agriculture, Watershed and Open Space (AWOS)

Filed: June 20, 2019; Resubmittal Received: January 22, 2024; Deemed Complete: March 7, 2024

Code Compliance History: None

Existing Development: Vacant and developed as part of the Edgerly Island River Lots Subdivision (James Street).

**Setbacks:**

**Required Setbacks-** The Zoning Ordinance requires the following setback requirements for the RS zoning District:

**Front and Rear Yard:** 20 feet front, measured from the outer perimeter of the applicable 28-foot road setback, and 20 feet rear yard setback measured from the property line.

**Side Yard:** 5 feet plus 3 additional feet added to each side yard for each story above the first story of any building.

**Parking:** required parking spaces shall not be located in the required front yard, any required landscape setback or area provided by an applicable specific plan or any required exterior side yard.

**Proposed Setbacks -** The construction of the single-family residence consists of a loft level floor, main level floor, a ground level floor, and parking. The applicant has requested a variance for 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 11 feet to four (4) feet for the third story;
- 3) reduction in off-street parking from two (2) 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 reduce 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 20 feet to 14 feet.

**Discussion Points:**

**Setting -** The 0.09 acre residential parcel is located on the east side of Milton Road, 32 parcels north of the terminus of Milton Road. The subject parcel is relatively small compared to similar parcels in the area with the same setback requirements. The combined setback and parking requirements would encumber approximately 2,970.8 sq. ft. of the 3,920.4 sq. ft. or 76% of the parcel coverage, leaving approximately 24% of the parcel coverage or 949.6 sq. ft. for development of a residence. The proposed project would allow a parking space

located adjacent to the front property line located entirely within the required 48 foot road and front setback and would also encroach 5.5 feet to the side yard setback (south property line) and 2 feet into the 5 foot required side yard setback (north property line). The proposed residence would encroach 1 foot into the side yard setbacks (south and north property boundaries) and the sunshade would encroach 6 feet into the required rear yard setback. In addition, the residence is not consistent with the required side yard setback which requires an additional 3 feet of setback to each side yard for each story above the first story of the building. The subject parcel is a long, narrow quadrangle, extending 120 feet from Milton Road to the Napa River with a width of 20 feet on the river side, and 22.14 feet on the road side, as indication on Exhibit (Attachment D). Like the other parcels along this stretch of Milton Road, it is flat and level with Milton Road, and then it rises sharply at the rear of the property adjacent to the river, to a height of approximately 9 feet above the road.

**Building Design** - The architectural design of the structure is comparable to neighboring structures.

**Access** - The parcel would be accessed directly from Milton Road directly into the one proposed parking space.

**Single Family Residence** - It should be noted that State and Federal law mandate that local zoning regulations cannot deny a property owner of all reasonable use of their property. As a result, County regulations have been crafted to allow a single-family home (of undetermined size) to be constructed, by right on a legal parcel in the County as a means of achieving consistency with that mandate. At this time, the applicant proposes to construct a 1,415- sq. ft. single-family residence above a ground floor storage area. The residential unit will be setback four (4) feet from the side property boundaries, 34 feet from the front property boundary, and 20 feet from the rear property boundary. An attached 72 sq. ft. elevated deck will be located off the rear of the residential unit, approximately 11 feet above grade and the same height as the top of the levee and have a 14-foot setback from the rear property boundary and the base of the river levee bank. The project would result in approximately 987 sq. ft. of new impervious surfaces. The total height of the ground floor single-family residence is a 33.5 feet measured to the top of the roof. The maximum building height requirement for the RS Zoning District is 35 feet.

**Parking** - The project is located 32 parcels north of the terminus of Milton Road approximately four (4) miles south of Highway 12. Access to the property is directly off Milton Road. The applicant proposes to surface approximately 318 sq. ft. of the existing lot with pavement to bring the driveway access into compliance with the Napa County Road and Street Standards and to provide one (1) on-site uncovered parking spaces.

**Airport Land Use Compatibility**- The project site is zoned RS:AC which allows single-family residential without a use permit and is located on a developed lot surrounded by existing single-family residential development. The property also requires consistency with the Napa County Airport Land Use Compatibility Plan. The project site is located within the Zone C compatibility area, which is defined as the area where aircraft will be below 300 feet above ground level. Properties in this zone will be affected by substantial noise and residential uses are not typically allowed unless the base zoning allows residential. The project is comprised of a single family residence and parking area. The height of the three story 1,415 sq. ft. mixed-use

building is 33.5 measured to the top of the roof. The project, as conditioned, is compatible with uses permitted in Zone C of the ACLUP. The proposed residential use on a residentially zone parcel is allowed by right and is also consistent with the applicable development standards and compatibility requirements.

Biological Layers - 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. *jefsonii*) and longfin smelt (*Spirinchus thaleichthys*) and are discussed in further detail below:

Delta tule pea (*Lathyrus jepsonii* var. *jefsonii*): 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 places (see footnote). Existing conditions include an abandoned trailer storage area covered with dry sand, which is not considered suitable habitat for the plant.

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 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.

Variance - A Variance application is requested to allow the installation of a parking space in the required road and front setback and side yard setbacks. The proposed residence would encroach into the side yard setbacks and into the addition required side yard setback for each story above the first story of the building. In addition, and the sunshade would encroach into the required rear yard setback.

Variances must satisfy the criteria in Government Code Section 65906 and County Code Section 18.128.060. Generally, the findings for a variance must meet a three-prong test to satisfy the statutory requirements together with additional local findings contained in the County Code. An application must demonstrate that:

- 1) they will suffer practical difficulties and unnecessary hardships in the absence of the variance;
- 2) these hardships result from special circumstances relating to the property that are not shared by other properties in the area; and
- 3) the variance is necessary to bring the application into parity with other property owners in the same zone and

vicinity.

In addition, an application must show that the proposed variance will not be contrary to public interest, safety, health, and welfare. To approve a Variance, the Zoning Administrator must make all four of the required findings listed below. As discussed below, Staff believes the project site can meet all the required findings, and thus, supports grading the variance.

Required Findings pursuant to Section 18.128.060:

1) That the procedural requirements set forth in this chapter have been met.

Staff Comment: An application and required processing fees have been submitted for a variance accompanied with a statement from the applicant outlining the reasons for the request. Site plans depicting the location of the project and elevation drawings showing the appearance of the residential structure and parking space have also been submitted. Noticing and public hearing requirements have been met. The hearing notice was posted on July 13, 2024, and copies were forwarded to property owners within 1,000 feet of the subject parcel and all other interested parties. The public comment period ran from July 13, 2024, to July 24, 2024.

2) Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff Comment: The parcel was created when an existing approximately 40' x 120' public right of way (the former James Street) was deemed to be not required for public purposes and vacated by the County of Napa. Each half of the right of way was offered to the adjacent property owners. The northern adjacent property owner accepted the offer and purchased the vacated half portion of right of way. The southern property owner declined the offer of purchase, leaving the subject parcel in public ownership. The lot subsequently passed into the ownership of the Napa River Reclamation District. In 2019, the subject parcel was offered for purchase and the petitioners, Elizabeth Boyd and Carl Reynolds, presented and had accepted an offer to purchase subject to the approval of this variance request.

The 0.09-acre parcel is smaller than the average size of the 102 parcels in the same zoning district on Milton Road, which averages 0.16 acres. Additionally, of the 10 houses to the north and 10 houses to the south of the subject parcel (the reviewed area), only 12 meet the required combined road and front yard setback of 48 feet for structures (see Attachment G-aerial photograph). Furthermore, of the 10 houses to the north and 10 houses to the south, the first and second floor side yard setbacks are met for only 7 houses. Staff researched and found four variances to the setback requirements for parcels on Milton Drive within the reviewed area (10 houses to the north and 10 houses to the south of the subject property). The following is a list of address that have



received Variances: 1794 Milton Road; 1800 Milton Road; 1836 Milton Road; and 1820 Milton Road.

3) Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

Staff Comment: This finding requires the applicant to demonstrate that grant of the variance is necessary for the preservation and enjoyment of substantial property rights generally enjoyed by other properties in the same zone and vicinity, but would be denied to the applicant's parcel due to special circumstances of the property and unnecessary hardship. This is generally referred to as the parity prong. The property is located within the Residential Single (RS) Zoning District. Denial of a variance would deprive the applicant of the ability to reasonably develop the single-family parcel to achieve a degree of parity with other properties in the vicinity within the same zoning district that are not constrained by the pre-existing conditions described above. Strict application of the setbacks would result in both practical and financial hardships, which would restrict the ability to develop the property. Granting of the variance would bring the parcel into parity with other properties in the RS zoning district that have been granted development approval.

4) Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Staff Comment: The health, safety or welfare of the County is not adversely affected. The project is subject to County Codes and regulations including but not limited to the California Building Code, Napa County Fire Department requirements, Environmental Health Division standards for water and wastewater requirements, and Engineering Division requirements all with recommended conditions that would be incorporated into the project to assure protection of public health, safety and welfare.

Public Comments - No comments have been received as of preparation of this report.

## **SUPPORTING DOCUMENTS**

A. Recommended Findings

B. Recommended Conditions of Approval

C. Categorical Exemption Memorandum

D. Variance Application

## E. Graphics

Footnote: 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).

“A”

## Recommended Findings

**ZONING ADMINISTRATOR HEARING – JULY 24, 2024  
DRAFT FINDINGS**

**Napa Mini House  
Variance P19-00294-VAR**

**Milton Road, Napa  
APN 048-043-035-000**

**ENVIRONMENTAL:**

The Zoning Administrator has received and reviewed the subject application pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The project is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15303 (Class 3 New Construction or Conversion of Small Structures), Section 15304 (Class 4 Minor Alterations to Land), and Appendix B, (Class 5, of the Napa County's Local Procedures for Implement the California Environmental Quality Act) which exempts the construction of a new single-family residence second unit, grading on land with a slope of less than 10 percent, and Variances to standards for projects that are allowed by right under zoning.
2. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
3. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

**Variance Findings:** The following findings must be made in order for the Zoning Administrator to grant a Variance pursuant to County Code Section 18.128.060.

4. That the procedural requirements set forth in this chapter have been met.

**Analysis:**

An application and required processing fees have been submitted for a variance accompanied with a statement from the applicant outlining the reasons for the request. Site plans depicting the location of the project and elevation drawings showing the appearance of the residential structure and parking space have also been submitted. Noticing and public hearing requirements have been met. The hearing notice was posted on July 13, 2024, and copies were forwarded to property owners within 1,000 feet of the subject parcel and all other interested parties. The public comment period ran from July 13, 2024, to July 24, 2024.

5. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning

district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

**Analysis:**

The parcel was created when an existing approximately 40' x 120' public right of way (the former James Street) was deemed to be not required for public purposes and vacated by the County of Napa. Each half of the right of way was offered to the adjacent property owners. The northern adjacent property owner accepted the offer and purchased the vacated half portion of right of way. The southern property owner declined the offer of purchase, leaving the subject parcel in public ownership. The lot subsequently passed into the ownership of the Napa River Reclamation District. In 2019, the subject parcel was offered for purchase and the petitioners, Elizabeth Boyd and Carl Reynolds, presented and had accepted an offer to purchase subject to the approval of this variance request.

The 0.09-acre parcel is smaller than the average size of the 102 parcels in the same zoning district on Milton Road, which averages 0.16 acres. Additionally, of the 10 houses to the north and 10 houses to the south of the subject parcel (the reviewed area), only 12 meet the required combined road and front yard setback of 48 feet for structures. Furthermore, of the 10 houses to the north and 10 houses to the south, the first and second story side yard setbacks are met for only 7 houses. Staff researched but did not find any variances to the setback requirements for parcels on Milton Road within the reviewed area (10 houses to the north and 10 houses to the south of the subject property).

6. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

**Analysis:**

This finding requires the applicant to demonstrate that grant of the variance is necessary for the preservation and enjoyment of substantial property rights generally enjoyed by other properties in the same zone and vicinity but would be denied to the applicant's parcel due to special circumstances of the property and unnecessary hardship. This is generally referred to as the parity prong. The property is located within the Residential Single (RS)/ Airport Compatibility Zoning District. Denial of a variance would deprive the applicant of the ability to reasonably develop the single-family parcel to achieve a degree of parity with other properties in the vicinity within the same zoning district that are not constrained by the pre-existing conditions described above. Strict application of the setbacks would result in both practical and financial hardships, which would restrict the ability to develop the property. Granting of the variance would bring the parcel into parity with other properties in the RS zoning district that have been granted development approval. Since the project is also located under the Airport Compatibility zoning designation, the project has been found to be compatible with uses permitted in Zone C of the Airport Compatibility Land Use Plan (ACLUP), which is defined as the area where aircraft will be below 300 feet above ground level. Properties in this zone will be affected by substantial noise and residential uses are not typically allowed unless the base zoning allows residential. The proposed residential use is located on a residentially zone parcel and is allowed by right consistent with the applicable development standards and compatibility requirements.

7. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

**Analysis:**

The health, safety or welfare of the County is not adversely affected. The project is subject to County Codes and regulations including but not limited to the California Building Code, Napa County Fire Department requirements, Environmental Health Division standards for water and wastewater requirements, and Engineering Division requirements all with recommended conditions that would be incorporated into the project to assure protection of public health, safety and welfare.

**“B”**

## **Recommended Conditions of Approval and Final Agency Approval Memos**

**ZONING ADMINISTRATOR HEARING – JULY 24, 2024  
RECOMMENDED CONDITIONS OF APPROVAL**

***Napa Mini House Variance Application  
P19-00294-VAR  
Milton Road, Napa  
APN 048-043-035-000***

This Permit encompasses and shall be limited to the project commonly known as ***Napa Mini House Variance Application, located on Milton Road, Napa CA, 94559***. 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 Construction of a 34-foot tall single-family home four (4) feet from the side (north and south) property lines, which would reduce the required first story side yard setback from five feet to four feet;
- 1.2 Construction of a 34-foot tall single-family home four (4) feet from the side (north and south) property lines, 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;
- 1.3 Allow for a reduction in off-street parking from two (2) to one (1) space;
- 1.4 Allow an on-site parking space in the road setback (12 feet setback from the centerline of Milton Road), front setback (0 setback from property line), and side yard setbacks (4 feet from the north property line and 4 feet from the south property line); and
- 1.5 Allow a covered deck to extend six (6) feet into the rear setback, reducing the required setback from twenty feet to fourteen feet.

The construction of a new residential structure and associated site improvements 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 Zoning Administrator may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Zoning Administrator at some time in the future, the Zoning Administrator 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 **[RESERVED]**
- 4.9 NO TEMPORARY SIGNS **[RESERVED]**
- 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 operation conditions as stated in their Memorandum dated June 6, 2024.
- b. Fire Department operational conditions as stated in their Inter-Office Memo dated March 7, 2024.
- c. Environmental Health Division conditions as stated in their Inter-Office Memo dated March 1, 2024.
- d. Public Works Department as follows:
  - 1. The submitted plans for construction must include a surveyed location of the boundary and must certify that the structure is in compliance with the approved setback. All work to be performed by a licensed land surveyor authorized to practice in the State of California and in compliance with the provisions of the Professional Land Surveyors Act.
  - 2. 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.

- 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. 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 operation conditions as stated in their Memorandum dated June 6, 2024.
- b. Fire Department operational conditions as stated in their Inter-Office Memo dated March 7, 2024.
- c. Environmental Health Division conditions as stated in their Inter-Office Memo dated March 1, 2024.
- d. Public Works Department as follows:
  1. The submitted plans for construction must include a surveyed location of the boundary and must certify that the structure is in compliance with the approved setback. All work to be performed by a licensed land surveyor authorized to practice in the State of California and in compliance with the provisions of the Professional Land Surveyors Act.
  2. 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.

6.2 BUILDING DIVISION – GENERAL CONDITIONS **[RESERVED]**

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

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 **[RESERVED]**

**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](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

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]**

**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**

Landscaping shall be installed in accordance with the approved landscape plan.

- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
- 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]**



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A Commitment to Service

Napa County Fire Department  
Fire Marshal's Office

951 California Blvd  
Napa, CA 94559

Office: (707) 299-1464

Jason Downs  
Fire Marshal

## Napa County Fire Department Conditions of Approval

<b>TO:</b>	Planning Department	<b>DATE:</b>	3/7/2024
<b>FROM:</b>	Jason Downs, Fire Marshal	<b>PERMIT #</b>	P19-00294
<b>SUBJECT:</b>	Boyd Residential Variance	<b>APN:</b>	048-043-035-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the above-proposed project. The Fire Marshal approves the project as submitted with the following conditions of approval:

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes, and ordinances at the time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized.
3. Where conditions listed in 2022 California Fire Code Section 105 are proposed, separate permits will be required before Building Permit issuance for:
  1. Automatic fire-extinguishing systems
  2. Private fire hydrants
  3. Solar photovoltaic power systems
4. 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
5. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
6. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.





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Jason Downs  
Fire Marshal

## Napa County Fire Department Conditions of Approval

7. Driveways shall be a minimum of 10 feet in width with a 4-foot shoulder and 15-foot vertical clearance.
8. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards, and CA Fire Safe Regulations for projects within SRA.
9. An automatic fire sprinkler system shall be installed by provisions outlined in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
10. If the property is not served by a municipal hydrant within ½ mile a Wet Draft Hydrant accessible from the street with a minimum of 2500 gallons of water for fire suppression will be required.
11. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware, and exit illumination.
12. Provide 100 feet of defensible space around all structures.
13. Provide 10 feet of defensible space for fire hazard reduction on both sides of all roadways of the facility.

Please note the conditions of approval noted above are based on the 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](http://www.countyofnapa.org/firemarshal). Should you have any further questions please contact me at (707) 299-1467 or email me at [jason.downs@countyofnapa.org](mailto:jason.downs@countyofnapa.org)



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Planning, Building & Environmental Services

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

**Brian D Bordona**  
Director

## MEMORANDUM

To: Wendy Atkins, Planning	From: Raulton Haye, Engineering
Date: June 6, 2024	Re: P19-00294 <b>Boyd Residential Variance</b> APN: 048-043-035

The Engineering Division has reviewed the use permit application P19-00294 for the variance at assessor's parcel number 048-043-035. 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 AE

### RECOMMENDED APPROVAL CONDITIONS:

### PREREQUISITES FOR ISSUANCE OF PERMITS

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Residential development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway 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.

4. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
5. **Prior to issuance of a building permit** the owner shall prepare a Single-Family Home/Small Development Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
6. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.
7. 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 and in conformance with county Code and 44 CFR Section 60.3.

#### **PREREQUISITES DURING PROJECT CONSTRUCTION**

8. Required on-site pre-construction meeting with the Napa County PBES Engineering Division **prior to start of construction**.

#### **PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY**

9. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. **\*\* If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**
10. 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**

11. 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 Raulton Haye from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)253-4621 or by email at [Rauton.Haye@countyofnapa.org](mailto:Rauton.Haye@countyofnapa.org)

“C”

## Categorical Exemption Memorandum

Napa Mini House P19-00294-VAR  
Zoning Administrator Hearing Date (July 24, 2024)



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**Planning, Building & Environmental Services**

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

**Brian B. Bordona**  
Director

## MEMORANDUM

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 places<sup>1</sup>. 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

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<sup>1</sup> 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.

“D”

## Variance Application Packet

Napa Mini House P19-00294-VAR  
Zoning Administrator Hearing Date (July 24, 2024)



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

FILE # P19-00294

**APPLICATION FORM**

FOR OFFICE USE ONLY

ZONING DISTRICT: RS:AC Date Submitted: 6.20.19  
TYPE OF APPLICATION: Variance Date Published: \_\_\_\_\_  
REQUEST: to construct a single family home Date Complete: \_\_\_\_\_  
within the required setbacks.

TO BE COMPLETED BY APPLICANT

PROJECT NAME: NAPA MINI HOUSE, 0 JAMES ST  
Assessor's Parcel #: 048-043-035 Existing Parcel Size: 120' x 20' (Avg. width)  
Site Address/Location: \_\_\_\_\_  
Property Owner's Name: NAPA RIVER RECLAMATION DISTRICT  
Mailing Address: 1501 MILTON RD. NAPA CA 94559  
Telephone #: (707) 255-2996 Fax #: ( ) - E-Mail: \_\_\_\_\_  
Applicant's Name: ELIZABETH REYNOLDS BOYD  
Mailing Address: 26 PENINSULA CT 395 STAGUEHOUSE DR NAPA CA 94558  
Telephone #: (206) 491-2860 Fax #: ( ) - E-Mail: boyd.elizabethr@gmail.com  
Status of Applicant's Interest in Property: PURCHASING PROPERTY  
Representative Name: N/A  
Mailing Address: \_\_\_\_\_  
Telephone #: ( ) - Fax #: ( ) - E-Mail: \_\_\_\_\_

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, floor plan, building elevations, water supply/waste disposal system site 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.

Colin Reynolds July 12/23 Elizabeth Reynolds Boyd June 19/19  
Signature of Property Owner Date Signature of Applicant Date  
Colin Reynolds ELIZABETH REYNOLDS BOYD  
Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES  
Total Fees: \$ 552.00 Receipt No. 12412

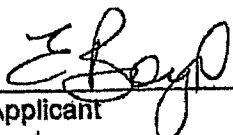
Received by: SS Date: 6.20.19


## 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  
June 19/19  
Date

  
Property Owner (if other than Applicant)  
LOT #048-043-035  
Project Identification

## Reasons For Granting a Variance

1. *Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.*

The subject property is a residentially zoned property, situated in a neighborhood of other residential parcels, which stretch roughly north-south along a long strip between the Milton Road and the Napa River. These lots are all generally flat and level with Milton Rd, except for a berm of approximately 9' that runs along the bank of the Napa River, and lie within a designated flood zone. There is a pumping station a few hundred feet south of the subject property. The subject parcel is a long, narrow quadrangle, extending 120' from Milton Rd, to the Napa River with a width of 20.0' on the river side, and 22.14' on the road side (**See Exhibit A, Site Plan**). Like the other parcels along this stretch, it is flat and level with Milton Rd, the rises sharply at the rear along the river, to a height of approximately 9' above the road. It is a legal, residentially zoned parcel. The lot is fully served by utilities and abuts Milton Road on its western frontage.



*L: View of subject property from Milton Rd, towards Napa River.*

*R: View from top of berm on subject property, looking south towards rear of adjoining property. Note rear property lines are at the high water mark, in the rocky area shown. Photo taken at a high tide.*

The parcel was created when an existing approximately 40' x 120' public right of way (the former James Street) was deemed to be not required for public purposes and vacated by the Napa County. As is common practice, each half of the right of way was offered to the adjacent property owners. The northern adjacent property owner accepted the offer and purchased the vacated half portion of right of way. The southern property owner declined the offer of purchase, leaving the subject parcel, in public ownership. The lot subsequently passed into the

ownership of the Napa River Reclamation District. In 2019, the subject parcel was offered for purchase and the petitioners, Elizabeth Boyd and Carl Reynolds, presented and had accepted an offer to purchase subject to the approval of this variance request.

The subject parcel thus created is a unique parcel in the County of Napa, with a width that is substantially narrower than is common, thus severely limiting the width of an otherwise conforming residential structure under the current zoning designation of RS. On Milton Road, lots of less than 60' in width have a minimum side setback of 5', to the full height of the structure.

**Request for Variance 1A– Reduction of Side Setback from 5' to 4'**

Strict application of the current zoning regulations for setback would result in a dwelling limited to an exterior width of an average 10', with approximately 8' maximum exterior width at the rear (river) and 12' at the front. This is significantly less than the typical width for a single-family residence in general and would constrain the property to the extent that it would not be reasonably developable. The requested reduction in the side setback to 4', while small, has a significant impact on the ability to build a residence that meets building and fire code requirements, has reasonable and safe access and egress, and is of a reasonable size in which to live, although as proposed the home will be very narrow. A preliminary design has been developed to verify that a dwelling meeting applicable building codes can be built with the proposed 4' setbacks, and is included here as **Exhibit B – Floor Plans**.

As the variance request relates to a unique parcel, the granting of this request for a reduction in the side setbacks would not create a precedent applicable to other similarly zoned properties.

**Request for Variance 1B– Elimination of Additional 3' Side Setback for 2nd Story**

Strict application of the current zoning regulations for additional 2<sup>nd</sup> story setback would result (assuming 4' side setback is allowed) in a second story limited to an exterior width of an average 4', with approximately 2' maximum exterior width at the rear (river) and 6' at the front. These widths are not sufficient to meet building codes. So the strict application of the additional 3' second floor setback would eliminate the possibility of a livable second story because it would eliminate the bedroom area, which renders the building infeasible.

**Request for Variance 2A – Single Parking Space**

The narrowness of the lot also precludes being able to incorporate two parking spaces and an access walkway, even if the parking is within the 4' side setback requested. A requirement for incorporating two parking spaces on this small lot would impact access to the dwelling and even further limit the area for a dwelling, where this is already severely restricted.

As the variance request relates to a unique parcel, the granting of this request would not create a precedent applicable to other similarly zoned properties.



**Request for Variance 2B – Parking within Front, Side and Road Setbacks**

The extreme narrowness of the subject parcel makes it difficult to fit in a parking space and an entryway without using the side, front and road setbacks. There is no suitable location outside of the front yard setback that would not significantly impact the ability to build a dwelling. The surrounding neighborhood along Milton Rd has a large percentage of lots with parking and/or structures within the front, side and road setbacks. **Exhibit C – Aerial Photo** shows the subject parcel and the surrounding parcels to the north and south. There are 23 developed (with a house) lots shown to the north and south of the subject parcel and of these, 16 (70%) have either parking, a structure or both within the front setback. Milton Road has a significant level of non-conforming housing, owing to both older residences that have been grandfathered in, and newer non-conformances that have been achieved via variances. As a result of this history, the norm in this residential neighborhood is strongly tilted toward use of these front setbacks for parking and structures.

As the variance request asks for permission for a non-conformance that is highly common in the surrounding neighborhood, the granting of this request would not create a precedent that is outside the already existing norm of the surrounding residential properties.

**Request for Variance 2C – Parking within Front and Side Setbacks Only**

Alternatively to #2, the designated parking space could be moved 3' forward, to be out of the road frontage, but still within the side and front setbacks. While this moves the parking extremely close to the dwelling and significantly reduces open yard space and limits access around the dwelling, it could be achieved. Per the description of the surrounding neighborhood, above, and **Exhibit C – Aerial Photo**, this request falls well within the bounds of the norm in the neighborhood.

As the variance request asks for permission for a non-conformance that is highly common in the surrounding neighborhood, the granting of this request would not create a precedent that is outside the already existing norm of the surrounding residential properties.

**Request for Variance 3 – Covered Deck Extending 6' Into Rear Setback**

The extreme narrowness of the parcel greatly restricts the square footage available to build a dwelling within the setbacks. In addition, the topography along the river bank (i.e. the 9' high berm which rises steeply at the rear of an otherwise flat parcel), means that some bridging has to take place to access the rear from the house. Note this is done from the second floor, as the ground floor must terminate before the berm (**See Exhibit B- Floor Plans**). The rear deck extends 6' into the rear setback. Also, as this side of the house is south facing, the deck is covered, to protect both the deck and the interior of the house from excess heat gain. As illustrated in Exhibit C- Aerial Photo, it is very common in the neighboring properties (and all along Milton Rd), where the rear property lines are at the high water line of the Napa River, to have decks and other structures within the rear setback, on top of the berm. Of the 23 houses shown in Attachment A, 16 (70%) have buildings or decks within the rear setback, with these decks often extending all the way to the rear property line, as is the case with the two immediate neighboring parcels.

As the variance requested asks for permission for a non-conformance that is highly common (70%) in the surrounding neighborhood, the granting of this request would not create a precedent that is outside the already existing norm of the surrounding residential properties.

2. *Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.*

**Request for Variance 1A– Reduction of Side Setback from 5' to 4'**

The granting of this requested variance would allow for the design, construction and maintenance of a reasonable, but small and narrow, home, thus allowing for the preservation and enjoyment of the property rights accruing to a typical residential lot. The subject parcel is a legal residential lot in a neighborhood of similarly zoned lots. Most lots in the neighborhood are also narrow, just not as narrow as this lot. However, without this variance, a home cannot be reasonably built, thus singling out this lot from the other neighboring lots as a uniquely undevelopable lot, despite its zoning and longstanding status as a legal lot.

**Request for Variance 1B– Elimination of Additional 3' Side Setback for 2nd Story**

The granting of this requested variance would allow for the design, construction and maintenance of a reasonable, but quite narrow, home, including separate space for sleeping, thus allowing for the preservation and enjoyment of the property rights accruing to a typical residential lot. The subject parcel is a legal residential lot in a neighborhood of similarly zoned lots. However, without this variance, a home cannot reasonably built, thus singling out this lot from the other neighboring lots as a uniquely undevelopable lot, despite its zoning and longstanding status as a legal lot.

**Request for Variance 2A – Single Parking Space**

The granting of this requested variance would allow for the design, construction and maintenance of a reasonable residential dwelling, thus allowing for the preservation and enjoyment of the property rights accruing to a typical residential lot. The unique narrowness of the subject parcel also precludes being able to incorporate two parking spaces and an entry walk within the 22.14' total width of the property along the road frontage. Two parking spaces would occupy virtually all of the road frontage, severely restricting the space available for a walkway and other access to the dwelling, and would impact the already highly constrained design of the dwelling. Similarly, tandem parking would encroach on the already limited building space available, impacting the ability to design a reasonably sized home that conforms to building codes. The subject parcel is a legal residential lot in a neighborhood of similarly zoned lots. However, without this variance, a home cannot reasonably built, thus singling out this lot from the other neighboring lots as a uniquely undevelopable lot, despite its zoning and longstanding status as a legal lot.

**Request for Variance 2B – Parking within Front, Side and Road Setbacks**

The granting of this requested variance would allow for the subject parcel to enjoy the same use as the majority of other similarly zoned properties in the neighborhood. The subject parcel

is a legal residential lot in a neighborhood of similarly zoned lots, wherein a very high proportion of the developed lots enjoy use of the front, side and road setback areas for parking and structures. This lot is a uniquely narrow lot, where the use of this space as proposed, and in keeping with the use commonly enjoyed by the majority of the neighboring properties, has a significant impact on the ability to construct a reasonably sized home. Without this variance, this use of this property for its legally zoned purpose would be severely restricted, and also this lot would be singled out from the other neighboring lots, despite its identical zoning, for a higher restriction of use than that commonly enjoyed by the neighboring lots.

**Request for Variance 2C – Parking within Front and Side Setbacks Only**

The granting of this requested variance would allow for the subject parcel to enjoy the same use as the majority of other similarly zoned properties in the neighborhood. The subject parcel is a legal residential lot in a neighborhood of similarly zoned lots, wherein a very high proportion of the developed lots enjoy use of the front, side and road setback areas for parking and structures. This lot is a uniquely narrow lot, where the use of this space as proposed, and in keeping with the use commonly enjoyed by the majority of the neighboring properties, has a significant impact on the ability to construct a reasonably sized home. Without this variance, this use of this property for its legally zoned purpose would be severely restricted, and also this lot would be singled out from the other neighboring lots, despite its identical zoning, for a higher restriction of use than that commonly enjoyed by the neighboring lots.

**Request for Variance 3 – Covered Deck Extending 6' Into Rear Setback**

The granting of this requested variance would allow for the subject parcel to enjoy the same use as the majority of other similarly zoned properties in the neighborhood. The subject parcel is a legal residential lot in a neighborhood of similarly zoned lots, wherein a very high proportion of the developed lots enjoy use of the rear setback area for decks, covered and uncovered, and structures. This lot is a uniquely narrow lot, where the use of this space as proposed, and in keeping with the use commonly enjoyed by the majority of the neighboring properties, has a significant impact on the ability to construct a reasonably sized home. In addition, this use allows for access to the rear yard and river that would be otherwise difficult due to the unique topography of the area (the berm). This topographical feature, and the desire to access the river from the lots, is the driving cause of the deck and structures commonly located within the setback in this neighborhood. Without this variance, this use of this property for its legally zoned purpose would be severely restricted, and also this lot would be singled out from the other neighboring lots, despite its identical zoning, for a higher restriction of use than that commonly enjoyed by the neighboring lots.

3. *Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to the property or improvements in your neighborhood.*

**Request for Variance 1A– Reduction of Side Setback from 5' to 4'**

The granting of this variance will not adversely affect the health or safety of the adjacent residents and the neighborhood in general. The requested reduced side yard of 4' will allow access around a future residential dwelling and, per the applicable building code, allow for only minimal fenestration in the walls facing the adjacent properties, preserving their private enjoyment of their properties.

The site, as noted above, is fully served by public utilities and services and the appropriate development of this parcel will not impact the services provided to other neighborhood parcels. Instead it will provide for an additional tax and rate payer supporting the provision of those services. Also, the granting of the variance will allow a simple single family residence of reasonable affordability, to be constructed and occupied in Napa County, which meets a health and safety of the County—reasonably affordable housing.

**Request for Variance 1B– Elimination of Additional 3' Side Setback for 2nd Story**

The granting of this variance will not adversely affect the health or safety of the adjacent residents and the neighborhood in general. The resulting dwelling would be within the height limits for the area and, per the applicable building code, allow for only minimal fenestration in the walls facing the adjacent properties, preserving their private enjoyment of their properties.

The site, as noted above, is fully served by public utilities and services and the appropriate development of this parcel will not impact the services provided to other neighborhood parcels. Instead it will provide for an additional tax and rate payer supporting the provision of those services. Also, the granting of the variance will allow a simple single family residence of reasonable affordability, to be constructed and occupied in Napa County, which meets a health and safety of the County—reasonably affordable housing.

**Request for Variance 2A – Single Parking Space**

The granting of this variance will not adversely affect the health or safety of the adjacent residents and the neighborhood in general. The requested reduced parking will allow room for access to a future residential dwelling, and will not impact the use of the adjacent properties.

**Request for Variance 2B – Parking within Front, Side and Road Setbacks**

The granting of this variance will not adversely affect the health or safety of the adjacent residents and the neighborhood in general. The requested parking within the setbacks is already very common in the neighborhood. Milton Road is a dead end road, located far from other residential or commercial neighborhoods and has little traffic. There is ample room and visibility to safely back a vehicle into the proposed space and pull out safely.

**Request for Variance 2C – Parking within Front and Side Setbacks Only**

The granting of this variance will not adversely affect the health or safety of the adjacent residents and the neighborhood in general. The requested parking within the setbacks is already very common in the neighborhood. Milton Road is a dead end road, located far from

other residential or commercial neighborhoods and has little traffic. There is ample room and visibility to safely back a vehicle into the proposed space and pull out safely.

**Request for Variance 3 – Covered Deck Extending 6' Into Rear Setback**

The granting of this variance will not adversely affect the health or safety of the adjacent residents and the neighborhood in general. The requested covered deck within the rear setback is already very common in the neighborhood. The reduced side yard of 4' will allow access around a future residential dwelling and, per the applicable building code, allow for only minimal fenestration in the walls facing the adjacent properties, preserving their private enjoyment of their properties.

4. *Please provide an explanation of the hardship in constructing a home that complies with setbacks. Is it possible to build within setbacks, or is building a home within setbacks literally impossible?*

**Request for Variance 1A – Reduction of Side Setback from 5' to 4'**

Compliance with the full 5' setback will reduce the outside dimensions of the dwelling to 10' on the east to 11' at the western end. With the application of the energy code requirements for wall thickness, this presents significant challenges for access and in creating habitable interior spaces. As discussed in prior responses, the principal effect of this setback, on its own, is to substantially impact the home design, making the resulting dwelling less liveable, with very small bedrooms, and particularly small bathrooms (36 SF) and kitchen (44 SF) --far less than any normal standard for minimum clearances, meeting any level of ADA accessibility impossible, essentially no closet space and with a significant proportion of the limited square footage devoted to stairs and access. On its own, the 5' setback does not make construction physically impossible, however, when combined with the parking requirements, as discussed below, it creates significant challenges in structural design, construction, and room sizes.

Reviewing the FHA standards for mortgage insurance seems to show that the conforming setbacks may require a design that falls below the standards for a presumed marketable residence. Please note that a survey of websites shows that there is no modular or mobile home on the market that is less than 12' wide.

**Request for Variance 1B– Elimination of Additional 3' Side Setback for 2nd Story**

Compliance with the additional 3' setback for the second story would result (assuming 4' side setback is allowed) in a second story limited to an exterior width of an average 4', with approximately 2' maximum exterior width at the rear (river) and 6' at the front. These widths simply do not meet building codes. So, the strict application of the additional 3' second floor setback would eliminate the possibility of a livable second story because it would eliminate the bedroom area, which renders the building infeasible.

**Request for Variance 2A, 2B & 2C – Single Parking Space & Parking within Front, Side and Road Setbacks, Parking within Front and Side Setbacks Only**

Compliance with the standard parking space requirements would mean construction of a parking structure. The other setback requirements (front, side and rear) would allow a total buildable area of 840 sq. ft (Exhibit D – Site Plan 10' Width). Two standard parking spaces (9' x 19'), as shown on Exhibit D, would occupy 39' of the total 77' length of available building space, leaving just 38' remaining for a dwelling and the entry stairs necessary to access the living spaces, which must be elevated to meet flood requirements. There is not sufficient space to accommodate stairs alongside the parking due to the 5' side setbacks. Given that this would produce an impossibly small dwelling of some 10' x 26', the only solution is to construct part of the dwelling above the parking stalls. However, due to the 5' side setback requirement, this becomes a difficult construction, as there is very minimal space available for wall thickness, and for the structure required to brace the parking structure from lateral loads, particularly to meet earthquake requirements, while still leaving sufficient space for the required parking.

Overall, the combination of the parking requirements and the 5' side setbacks create not just a small building envelope, but one which presents significant difficulties in design and engineering to meet codes for access (stairs and handrails) and structural integrity.

The feasible total square footage is also impacted, resulting in far a smaller bathroom and kitchen than standard, and a significant portion of the already very limited square footage given to stairways and hallways for access, as shown in Exhibit E – Conforming Floor Plans.

Total living space is significantly reduced from the variance design, as described in Exhibit F – Economic Hardship Letter. The loss of living space is approximately 640 sq ft, dramatically affecting future marketability per FHA appraisers guidelines. In addition, the strict application of these requirements would result in additional costs in design, engineering and construction. An estimate of some of the identified costs is included in Exhibit F.

**Request for Variance 3 – Covered Deck Extending 6' Into Rear Setback**

Meeting the full rear yard setback without the covered deck will reduce the liveability and future marketability of the dwelling. The requested covered deck within the rear setback is already very common in the neighborhood and does not constitute unique relief, does not impact other properties and provides usable open space for the residence common in the neighborhood and deemed desirable in the land use code for single family residences on any site in the community.



22 January 2024

Wendy Atkins  
Planner II  
Planning, Building & Environmental Services  
County of Napa  
1195 Third St., Suite 210  
Napa, CA 94559

Re: Request for a variance from side yard setback requirements at 0 James Street, also known as Lot 35, Block 042, Edgerly Island Subdivision, Napa, CA

Dear Ms. Atkins

This letter is in support of the request for relief from the side yard setback requirements for the property at 0 James Street, also known as Lot 35, Block 042, Edgerly Island Subdivision, R.M.

The proposed relief is part of a more comprehensive request for relief for the subject parcel under P19-00294 Boyd Variance.

This is a truly unique parcel in our experience, particularly in view of its platted width of 20' at its eastern frontage, and an average width of approximately 21'. It's narrow platted width appears to make it an obvious candidate for relief from certain zoning requirements that impinge on its ability to support reasonable development. Most restrictive of these requirements is the 5' wide side yard setback requirement, which is the subject of this letter. Relief from certain parking and rear yard development limitations are presented in the full variance request. These separate requests are also fully justifiable in our opinion and experience.

The subject property has a platted area of approximately 2,528 square feet. The required 5' side yard setbacks combined encompass 1,200 SF of area ((5' + 5') x 120'). This means that the setbacks comprise 47.5% of the total site area. In 35 years of practice we have never seen land use code requirements reduce the usable property area by such an extreme degree. Including the required front and back yard setbacks reduces the buildable area even further to just 36 % of the total property.

Conformance with such extreme limitations produces a net developable area that results in a residence that has at its narrow end a width of just over 10'. Allowing for exterior walls conforming to the California energy code requirements gives an interior width of 8'4". This extreme narrowness does not allow for any reasonable design response. Allowing for circulation, bathrooms cannot conform to any standards for accessibility and kitchens for anything but minimal functionality. The kitchen may be reduced to as little as 45 SF and the bathroom to 36 SF.

The proponent is requesting a minimal relief of 4' wide side yard setbacks, which will significantly improve interior functionality while providing for installing screening landscaping and access for exterior maintenance. These 4' setbacks would still total 960 SF in area, or 40% of the property area, still an exceptionally large percentage, but providing relief from the extreme constraints of this narrow site.

In our test case, a side yard-compliant design, allowing for required parking and front and rear setbacks, with a 60' structure depth, the differential area between the compliant design is 2' x 60' = 240 SF of floorplan area. Assuming 1.5 stories for the structure on average gives a "lost" area of 360 SF. A brief survey of single-family residential properties in Napa shows that it is a rare residence that is being sold for less than \$570/SF. Using even \$500/SF as a baseline, this lost area has the equivalent value of \$180,000 as the potential economic loss from not approving this variance request.

In addition, due to the very narrow site there are anticipated additional costs for design and engineering to meet code for structural elements of the design, including earthquake compliance. For example, the limited outside dimension of the parking spaces below living quarters does not allow for standard construction for lateral strength. Instead, a custom engineered solution would be required to design for earthquake compliance, such as steel moment frames. This solution is not typical for a single family home, and would be substantially mitigated with the granting of the request variance from side yard requirements. This analysis is also relevant to the review and consideration of the request for parking relief.

Costs are estimated as follows:

Additional Professional Fees, including Seismic Design: Estimated Cost: \$12,000 - \$15,000

Foundation Enhancement: Estimated Cost: \$5,000 - \$8,000

Material Costs: Estimated Cost: \$5,000 - \$7,000

Total Estimated Extra Costs: \$22,000 - \$30,000

We hope that the case presented in favor of the granting of the requested relief by variance is useful to your considerations and convincing. We would be very happy to discuss any of this matter with you at your convenience. As noted above, the subject property is in fact unique and, as we see it, the granting of the requested relief cannot be viewed as establishing precedent applicable to the vast majority of properties, nor in granting more than the appropriate minimum relief.

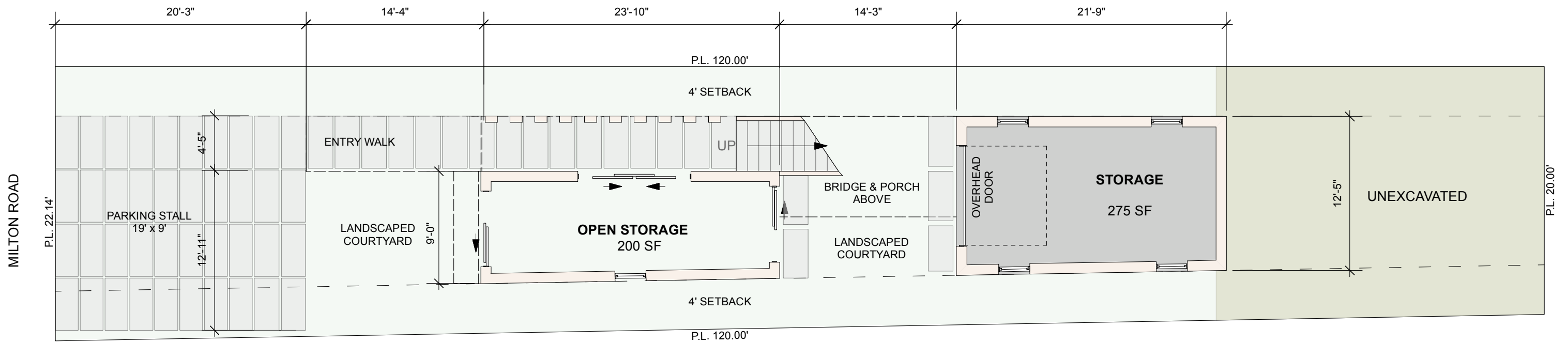
Please contact me if you have any questions.

Sincerely,

Stevan Johnson  
Principal  
Johnson|Oaklief Architecture + Planning

sjohnson@j-arch.com  
206-851-2901

# “E” Graphics

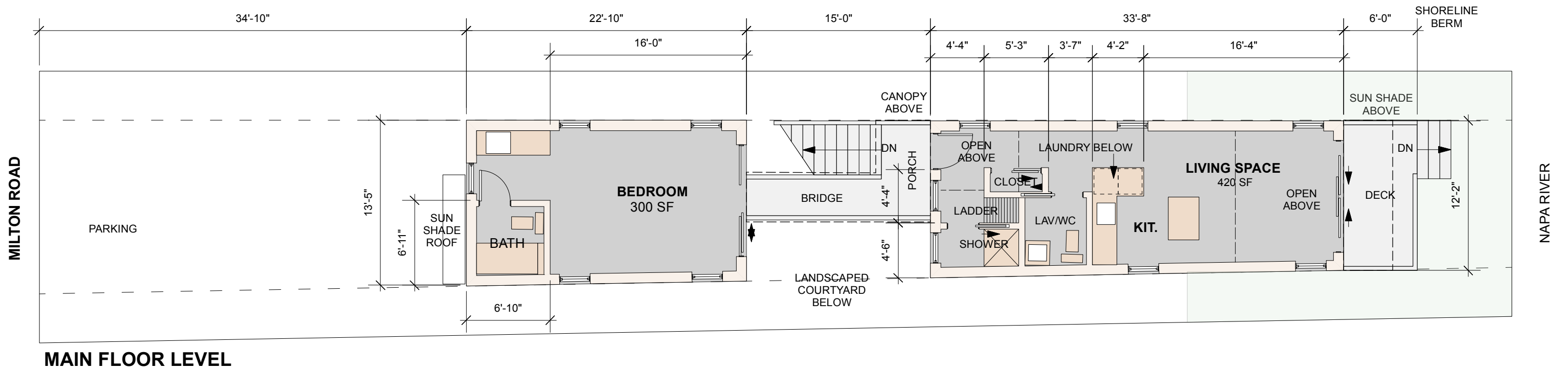


**GROUND LEVEL**  
SCALE: 1/8" = 1'



**PLANS FOR NEW SINGLE FAMILY RESIDENCE**  
0 JAMES STREET, NAPA CA

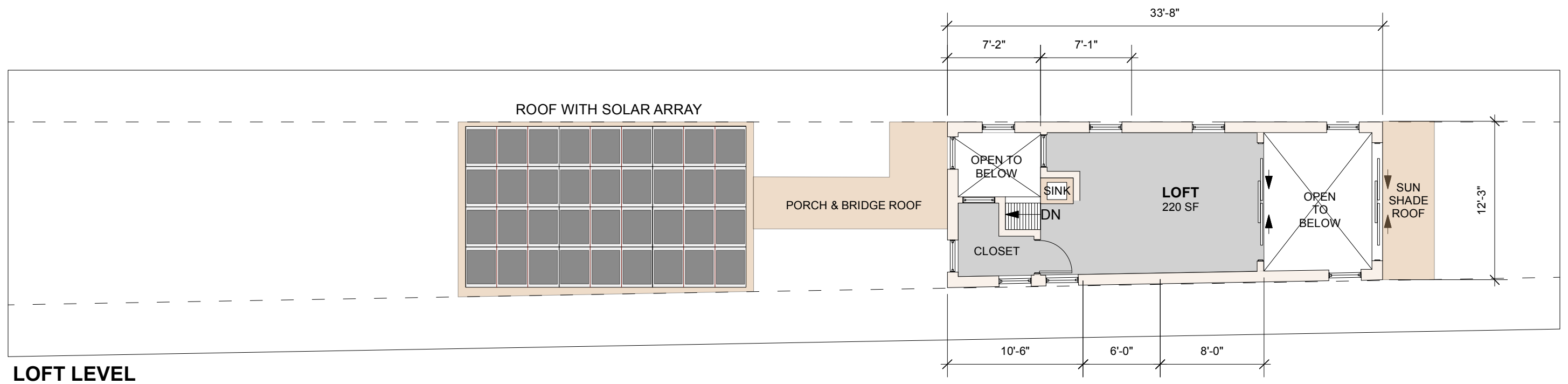
DATE: 14 JUNE 2024



**MAIN FLOOR**  
SCALE: 1/8" = 1'



**PLANS FOR NEW SINGLE FAMILY RESIDENCE**  
0 JAMES STREET, NAPA CA  
DATE: 15 JUNE 2024



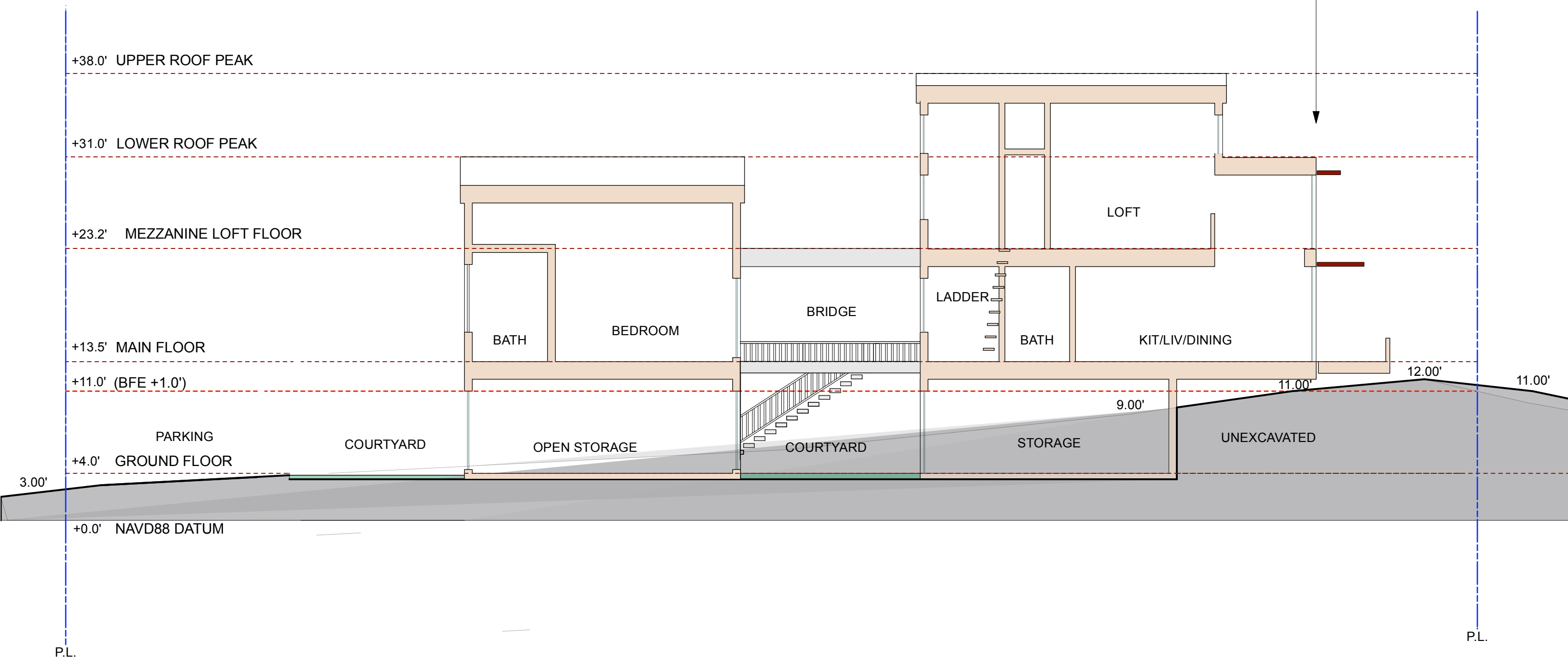
LOFT LEVEL

LOFT LEVEL  
SCALE: 1/8" = 1'



PLANS FOR NEW SINGLE FAMILY RESIDENCE  
0 JAMES STREET, NAPA CA  
DATE: 16 August 2019

ROUGHLY ALIGNS WITH  
SETBACK OF HOUSE TO SOUTH



**SECTION LOOKING NORTH**  
SCALE: 1/8" = 1'



EXHIBIT C

EXAMPLES OF NEIGHBORING PARCELS  
WITH PARKING IN FRONT YARD SETBACK

STRUCTURE LOCATED  
IN FRONT YARD SETBACK



EXAMPLES OF NEIGHBORING PARCELS  
WITH STRUCTURES WITHIN REAR YARD SETBACK

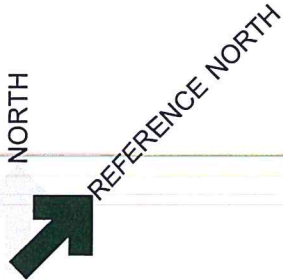
SUBJECT PARCEL

EXAMPLES OF NEIGHBORING PARCELS  
WITH STRUCTURES WITHIN REAR YARD SETBACK

AERIAL PHOTO OF SITE FOR NEW SINGLE FAMILY RESIDENCE

SHOWING EXAMPLES OF CONDITIONS SIMILAR TO REQUESTED DECK AND PARKING LOCATION VARIANCES

APPLICANT: REYNOLDS & BOYD  
26 Peninsula Court, Napa, CA. 94559



DATE: 19 JULY 2019





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[www.countyofnapa.org](http://www.countyofnapa.org)

**Brian B. Bordona**  
Director

To:	Zoning Administrator	From:	Wendy Atkins
Date:	July 24, 2024	Re:	Napa Mini House Variance P19-00294-VAR

Staff Requests the Following Changes to Attachment B Recommended Conditions of Approval and Final Agency Approval Memos:

**PART II**

**4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT**

**4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATION CONDITIONS**

Add memo from Kim Withrow, Environmental Health Supervisor, dated March 1, 2024

**PART III**

**6.0 Grading/Demolition/Environmental/Building Permit/Other Prerequisites**

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

Add memo from Kim Withrow, Environmental Health Supervisor, dated March 1, 2024

**“B”**

## **Recommended Conditions of Approval and Final Agency Approval Memos**

Napa Mini House P19-00294-VAR  
Zoning Administrator Hearing Date (July 24, 2024)

**ZONING ADMINISTRATOR HEARING – JULY 24, 2024  
RECOMMENDED CONDITIONS OF APPROVAL**

***Napa Mini House Variance Application  
P19-00294-VAR  
Milton Road, Napa  
APN 048-043-035-000***

This Permit encompasses and shall be limited to the project commonly known as ***Napa Mini House Variance Application, located on Milton Road, Napa CA, 94559***. 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 Construction of a 34-foot tall single-family home four (4) feet from the side (north and south) property lines, which would reduce the required first story side yard setback from five feet to four feet;
- 1.2 Construction of a 34-foot tall single-family home four (4) feet from the side (north and south) property lines, 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;
- 1.3 Allow for a reduction in off-street parking from two (2) to one (1) space;
- 1.4 Allow an on-site parking space in the road setback (12 feet setback from the centerline of Milton Road), front setback (0 setback from property line), and side yard setbacks (4 feet from the north property line and 4 feet from the south property line); and
- 1.5 Allow a covered deck to extend six (6) feet into the rear setback, reducing the required setback from twenty feet to fourteen feet.

The construction of a new residential structure and associated site improvements 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 Zoning Administrator may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Zoning Administrator at some time in the future, the Zoning Administrator 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 **[RESERVED]**
- 4.9 NO TEMPORARY SIGNS **[RESERVED]**
- 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 operation conditions as stated in their Memorandum dated June 6, 2024.
- b. Fire Department operational conditions as stated in their Inter-Office Memo dated March 7, 2024.
- c. Environmental Health Division conditions as stated in their Inter-Office Memo dated March 1, 2024.
- d. Public Works Department as follows:
  - 1. The submitted plans for construction must include a surveyed location of the boundary and must certify that the structure is in compliance with the approved setback. All work to be performed by a licensed land surveyor authorized to practice in the State of California and in compliance with the provisions of the Professional Land Surveyors Act.
  - 2. 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.

- 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. 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 operation conditions as stated in their Memorandum dated June 6, 2024.
- b. Fire Department operational conditions as stated in their Inter-Office Memo dated March 7, 2024.
- c. Environmental Health Division conditions as stated in their Inter-Office Memo dated March 1, 2024.
- d. Public Works Department as follows:
  1. The submitted plans for construction must include a surveyed location of the boundary and must certify that the structure is in compliance with the approved setback. All work to be performed by a licensed land surveyor authorized to practice in the State of California and in compliance with the provisions of the Professional Land Surveyors Act.
  2. 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.

**6.2 BUILDING DIVISION – GENERAL CONDITIONS [RESERVED]**

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

**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 **[RESERVED]**

**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](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

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]**

**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**

Landscaping shall be installed in accordance with the approved landscape plan.



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A Commitment to Service

Planning, Building & Environmental Services

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

Brian D Bordona  
Director

## MEMORANDUM

To: Wendy Atkins, Planning	From: Raulton Haye, Engineering
Date: June 6, 2024	Re: P19-00294 <b>Boyd Residential Variance</b> APN: 048-043-035

The Engineering Division has reviewed the use permit application P19-00294 for the variance at assessor's parcel number 048-043-035. 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 AE

### RECOMMENDED APPROVAL CONDITIONS:

### PREREQUISITES FOR ISSUANCE OF PERMITS

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Residential development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway 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.

Planning Division  
(707) 253-4417

Building Division  
(707) 253-4417

Engineering Division  
(707) 253-4417

Environmental Health  
(707) 253-4471

Parks & Open Space  
(707) 259-5933

- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
- 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]**



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**Brian D. Bordona**  
Director

**MEMORANDUM**

To: Wendy Atkins, Project Planner	From: Kim Withrow, Environmental Health Supervisor <i>KW</i>
Date: March 1, 2024	Re: Boyd Variance APN: 048-043-035 Project #: P19-00294

This Division has reviewed a revised application and supporting documentation requesting approval to construct a single-family dwelling within the setbacks as described and depicted in application materials. This Division has no comment regarding the variance request. Please include the following conditions of approval if the application is approved:

Prior to approval of building permit(s):

1. The development must be connected to Napa River Reclamation District for sewage disposal. Proof of connection or will serve will be required prior to approval of a building permit for the new dwelling.
2. The development must be connected to the Meyers Water Company for domestic water service. Proof of connection or will serve will be required prior to approval of a building permit for the new dwelling.

4. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
5. **Prior to issuance of a building permit** the owner shall prepare a Single-Family Home/Small Development Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
6. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.
7. 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 and in conformance with county Code and 44 CFR Section 60.3.

#### **PREREQUISITES DURING PROJECT CONSTRUCTION**

8. Required on-site pre-construction meeting with the Napa County PBES Engineering Division **prior to start of construction**.

#### **PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY**

9. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. **\*\* If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**
10. 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**

11. 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 Raulton Haye from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)253-4621 or by email at [Rauton.Haye@countyofnapa.org](mailto:Rauton.Haye@countyofnapa.org)





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Napa County Fire Department  
Fire Marshal's Office

951 California Blvd  
Napa, CA 94559

Office: (707) 299-1464

Jason Downs  
Fire Marshal

## Napa County Fire Department Conditions of Approval

7. Driveways shall be a minimum of 10 feet in width with a 4-foot shoulder and 15-foot vertical clearance.
8. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards, and CA Fire Safe Regulations for projects within SRA.
9. An automatic fire sprinkler system shall be installed by provisions outlined in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
10. If the property is not served by a municipal hydrant within ½ mile a Wet Draft Hydrant accessible from the street with a minimum of 2500 gallons of water for fire suppression will be required.
11. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware, and exit illumination.
12. Provide 100 feet of defensible space around all structures.
13. Provide 10 feet of defensible space for fire hazard reduction on both sides of all roadways of the facility.

Please note the conditions of approval noted above are based on the 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](http://www.countyofnapa.org/firemarshal). Should you have any further questions please contact me at (707) 299-1467 or email me at [jason.downs@countyofnapa.org](mailto:jason.downs@countyofnapa.org)



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Napa County Fire Department  
Fire Marshal's Office

951 California Blvd  
Napa, CA 94559

Office: (707) 299-1464

Jason Downs  
Fire Marshal

## Napa County Fire Department Conditions of Approval

<b>TO:</b>	Planning Department	<b>DATE:</b>	3/7/2024
<b>FROM:</b>	Jason Downs, Fire Marshal	<b>PERMIT #</b>	P19-00294
<b>SUBJECT:</b>	Boyd Residential Variance	<b>APN:</b>	048-043-035-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the above-proposed project. The Fire Marshal approves the project as submitted with the following conditions of approval:

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes, and ordinances at the time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized.
3. Where conditions listed in 2022 California Fire Code Section 105 are proposed, separate permits will be required before Building Permit issuance for:
  1. Automatic fire-extinguishing systems
  2. Private fire hydrants
  3. Solar photovoltaic power systems
4. 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
5. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
6. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.