

**ZONING ADMINISTRATOR HEARING –SEPTEMBER 28, 2022
RECOMMENDED FINDINGS**

**Namini Variance
Application No. P22-00226-VAR
1037 Headlands Drive, Napa, CA 94558
APN #019-482-003-000**

ENVIRONMENTAL: The Zoning Administrator has received and reviewed the proposed Categorical Exemption 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), which exempts the construction of a new single-family residence second unit, and associated accessory structures.
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 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 driveway have also been submitted. Noticing and public hearing requirements have been met. The hearing notice was posted on September 17, 2022, 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 September 17, 2022 to September 27, 2022.

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

Analysis: The 0.39-acre parcel has an environmental constraint similar to neighboring parcels that have had to developed near the front yard setback. The average slope of the property from the rear to street level is approximately 24 percent with the flattest area nearest the street. In 2020, much of the Berryessa Highlands was burned during the LNU complex fires, including the rear portion of the subject property. The remaining live oak trees that were spared from the fire are located less than 60 feet from the front of the property, requiring care and preservation considering the overall loss of major oak savannah.

Additionally, although not mapped as a landslide feature there is evidence of slope failure on the property and neighboring parcel to the south that would add considerable cost requiring geotechnical engineering to evaluate and propose stabilization of the slope including but not limited to slope repair, or construction of retaining walls that would remove soil and living oak trees. The granting of this variance would not confer a special privilege as the subject parcel contains a combination of constraints.

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 Planned Development (PD) Zoning District. Denial of a variance would deprive the applicant of the ability to reasonably develop the single-family parcel without excessive costs for the relocation or demolition and reconstruction of the foundation (i.e., concrete piers and retaining walls) and the existing framing, trusses, windows, plumbing and electrical. Approval of the variance would allow the subject property owner to continue constructing the single-family home comparable to the adjacent properties on Headlands Drive, consistent with the site's zoning and General Plan land use designation. Further, the variance to the front-yard setback would allow the applicant 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 PD zoning district that have been granted development approval.

Constricting the development to the ten-foot setback would create a substantial hardship in that the alternative option for relocation or removal/dismantle would be too costly. The estimated cost to demolish the portion of the house located within the setback would be approximately \$115,000 or 40% of the construction valuation. No estimates were provided for relocation of the residence as it would exceed the overall cost of construction, both that spent to-date and the costs not yet incurred. A comparison table of the costs of constructing the single-family residence in the required setback versus in the requested 3 feet 6 inch setback was prepared by the project applicant and is included as the Financial Hardship Analysis with the Variance Application. As shown, the costs of removal/dismantle of the portion of residence located within the requested setback without benefit of the approved variance would cost approximately \$115,000 when compared to the proposed variance for 3 feet 6 inches.

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.