

Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda

Special Meeting

Wednesday, September 4, 2024

11:00 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. 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.

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. JERYL HILLEMAN & WILLIAM ALBRIGHT / 1183 STATE LANE CERTIFICATE OF THE EXTENT OF LEGAL NONCONFORMITY APPLICATION (P23-00354) [24-1600](#)

This item was continued from Wednesday, August 28th to give both the Applicant and interested neighbors the ability to submit additional evidence into the administrative record. Staff has received additional information from the Applicant that has been included as attachments E and F. At the time of this publication no new additional information has been submitted from the neighbors. The information provided is currently under review by staff and will be presented at the Wednesday, September 4th hearing.

CEQA STATUS: General Rule. It can be seen with certainty that there is no possibility the request for determination of the extent of legal nonconformity would have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines for the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]. Furthermore, operation, repair, maintenance or minor alteration of the existing structures in conformance with the determined extent would be exempt pursuant to Categorical Exemption Class 1 (“Existing Facilities”) CCR §15301. [See also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B]. This project site is not included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.

REQUEST: The Napa County Planning Division has received a request from Jeryl Hilleman & William Albright for a Certificate of the Extent of Legal Nonconformity to recognize the historic use of an existing privacy wall and pool which are both located within required road and front yard setbacks. The parcel included the existing wall and pool at the time of the establishment of Napa County Zoning Ordinance. The nonconforming use is located on an approximately 1.4-acre property on APN: 031-170-013 within the AP (Agricultural Preserve) zoning district and has a General Plan land use designation of AR (Agricultural Reserve).

STAFF RECOMMENDATION: Find the project exempt from CEQA and approve the Certificate of Legal Nonconformity (CLN) Application as described.

STAFF CONTACT: Curtis Sawyer, Planner II, (707) 299-1361, or curtis.sawyer@countyofnapa.org

APPLICANT CONTACT: Jeryl Hilleman & William Albright, (707)

578-4525, or balbright@sbcglobal.net

Attachments: [Attachment A Findings](#)
[Attachment B CLN Application](#)
[Attachment C Graphics](#)
[Attachment D Public Comment](#)
[Attachment E Supplemental Application Information](#)
[Attachment F Supplemental Graphics](#)

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 9/3/2024 BY 5:00PM. A HARDCOPY SIGNED VERSION OF THE CERTIFICATES IS ON FILE WITH THE SECRETARY OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

ANGIE RAMIREZ VEGA(By e-signature)

Angie Ramirez Vega, 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

Zoning Administrator

Agenda Date: 9/4/2024

File ID #: 24-1600

TO: NAPA COUNTY ZONING ADMINISTRATOR
FROM: Michael Parker, Planning Manager
REPORT BY: Curtis Sawyer, Planner II
SUBJECT: 1183 State Lane Certificate of the Extent Legal Nonconformity Application (P23-00354)

RECOMMENDATION

JERYL HILLEMAN & WILLIAM ALBRIGHT / 1183 STATE LANE CERTIFICATE OF THE EXTENT OF LEGAL NONCONFORMITY APPLICATION (P23-00354)

This item was continued from Wednesday, August 28th to give both the Applicant and interested neighbors the ability to submit additional evidence into the administrative record. Staff has received additional information from the Applicant that has been included as attachments E and F. At the time of this publication no new additional information has been submitted from the neighbors. The information provided is currently under review by staff and will be presented at the Wednesday, September 4th hearing.

CEQA STATUS: General Rule. It can be seen with certainty that there is no possibility the request for determination of the extent of legal nonconformity would have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines for the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]. Furthermore, operation, repair, maintenance or minor alteration of the existing structures in conformance with the determined extent would be exempt pursuant to Categorical Exemption Class 1 ("Existing Facilities") CCR §15301. [See also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B]. This project site is not included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.

REQUEST: The Napa County Planning Division has received a request from Jeryl Hilleman & William Albright for a Certificate of the Extent of Legal Nonconformity to recognize the historic use of an existing privacy wall and pool which are both located within required road and front yard setbacks. The parcel included the existing wall and pool at the time of the establishment of Napa County Zoning Ordinance. The

nonconforming use is located on an approximately 1.4-acre property on APN: 031-170-013 within the AP (Agricultural Preserve) zoning district and has a General Plan land use designation of AR (Agricultural Reserve).

STAFF RECOMMENDATION: Find the project exempt from CEQA and approve the Certificate of Legal Nonconformity (CLN) Application as described.

STAFF CONTACT: Curtis Sawyer, Planner II, (707) 299-1361, or curtis.sawyer@countyofnapa.org

APPLICANT CONTACT: Jeryl Hilleman & William Albright, (707) 578-4525, or balbright@sbcglobal.net

EXECUTIVE SUMMARY

PROPOSED ACTIONS

That the Zoning Administrator:

1. Finds that the project is not subject to CEQA based on Findings 1-3 in Attachment A; and;
2. Issue a Certificate of the Extent of Legal Non-Conformity No. P23-00354-CLN based on recommended Findings 4-7 in Attachment A.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the request for determination of the extent of legal nonconformity would have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines for the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]. Furthermore, operation, repair, maintenance or minor alteration of the existing structures in conformance with the determined extent would be exempt pursuant to Categorical Exemption Class 1 (“Existing Facilities”) CCR §15301. [See also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B]. This project site is not included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner/Applicant: Jeryl Hilleman & William Albright, (650) 245-6539, or jim@mccalligan.com

Representative: Jeff Redding, (707) 255-7375; jreddingaicp@comcast.net

Assessor's Parcel Number: 031-170-013; 1183 State Lane, Yountville, CA. 94599

Zoning District: Agricultural Preserve (AP)

General Plan Designation: Agricultural Resource (AR)

Filed: December 11, 2023; Resubmittal Received: October 31, 2023; Deemed Complete: March 14, 2024

Code Compliance History: CE23-00241 (Notice to Stop Work posted). Compliance Resolution: Submit CLN Application.

Existing Development: The site is currently being developed with a new 3,949 square foot single-family residence with an attached 588 square foot garage and associated physical improvements. The permit number associated with recent construction is BR22-01257.

Required Setbacks: The Zoning Ordinance requires the following setback requirements for the AP zoning District:

Front and Rear Yard: 20-feet

Side Yard: 20-feet

DISCUSSION:

The applicant requests approval of a CLN Application to recognize as legal nonconforming the use of an existing privacy wall and pool which are both located within required road and front yard setbacks. Under Napa County Code (NCC) Section 18.104.010, the front yard setback in the Agricultural Preserve Zoning District is 20-feet. Additionally, NCC Section 18.112.090 (Road Setbacks), requires a 28-foot setback from State Lane which is measured from the centerline of the public right-of-way. The combined setback is therefore 48-feet for the subject parcel, measured from the centerline of State Lane, pursuant to NCC Sections 18.08.650, which requires front yard measurements to begin at the outer perimeter of the road setback, and 18.112.030. Evidence

provided by the Applicant shows that the existing pool and privacy wall were constructed prior to 1955, when the Napa County Zoning Ordinance was adopted, and therefore staff supports the CLN application and recommends approval. As identified in Attachment C, the applicant has submitted Napa County Assessors' records which show the pool and an approximate seven (7) foot tall 252 linear foot stucco wall to have been constructed between the years 1951 and 1954. The applicant wishes to acknowledge the current location of the existing fence which was constructed to provide privacy and safety for users of the existing pool. The pool will remain in its existing location and has been acknowledged by the building division as part of the permit for the replacement residence currently under construction.

Per chapter 18.132 of the Napa County Code, a legal nonconformity is defined as follows:

Within the zoning districts established by this title, as it may be amended, there exist lots, structures and uses which were legal prior to the effective date of the provisions codified in this title or future amendments thereof, but which would be prohibited, regulated or restricted by the terms of such provisions on the effective date thereof. Such lots, structures and uses are herein called "legal nonconformities." Legal nonconformities may be continued notwithstanding the prohibition, regulation or restriction of those provisions subject to the provisions of this chapter or, in the case of signs, the provisions of Chapter 18.116.

(Ord. 943 § 3 (part), 1990: prior code § 12850)

The applicant has provided staff with Napa County Assessor records, which highlight the permit or construction history of both the subject pool and privacy wall. As identified in these records (Attachment C) these structures each predate the year 1955. Due to this, each existing structure predates the zoning ordinance, and is not subject to the setback requirements originally established in that year.

Per NCC 18.132.030, a legal nonconformity may continue notwithstanding any other provisions of this title and may be repaired, maintained, restored, rebuilt following destruction regardless of the extent of the destruction, rehabilitated, remodeled, redesigned or rearranged as long as all of the following conditions are observed:

A. The repair, maintenance, restoration, rebuilding, rehabilitation, remodeling, redesign or rearrangement does not enlarge, increase or extend the area of land occupied by the legal nonconformity or cubic content of any structures involved or the square footage of any structure other than a primary residence; does not relocate the legal nonconformity from the location it occupied on the date it first became a legal nonconformity; does not result in the construction of any additional structures, other than those otherwise permitted by the code, on the parcel or parcels occupied by the legal nonconformity; and does not increase the degree of the nonconformity as to volume of business or production, hours of operation, volume of traffic generated, or volume of waste produced or natural resources consumed.

Notwithstanding the above, minor expansions of structures as determined by the director may be allowed for:

(i) accessory storage use added after November 1, 2008, and constituting no more than five hundred square feet of surface area cumulatively, and only for those legal nonconforming parcels in existence on July 1, 1993, which were used primarily for restaurant operations, (ii) uses solely to meet the minimum requirements of the Americans with Disabilities Act (ADA) requirements (such as adding access ramps or ADA compliant restroom facilities), and (iii) minor relocations of structures may occur where such movement decreases the nonconformity in questions (such as moving a structure further outside of a required setback).

B. The legal nonconformity has not been determined by the director, the board of supervisors, the district attorney, or any other governmental official authorized by law to do so, to be conducted in such a manner as to constitute a public nuisance as defined in Penal Code Section 370 or any future amendment thereof;

C. A certificate of the present extent of the legal nonconformity is obtained in accordance with Section 18.132.050 prior to application for any building or other permits required in connection with the repair, maintenance, restoration, rebuilding, rehabilitation, remodeling, redesign or rearrangement of the legal nonconformity; and

D. The legal nonconformity has not lost its legal nonconforming status through abandonment as defined in Section 18.132.040.

Staff has reviewed the subject application and associated Assessor records and has confirmed the projects compliance with items A-D highlighted above.

Public Comments - Two (2) public comments were received prior to the publication of this Staff Report. See attachment D.

Decision Making Options:

As noted in the Executive Summary Section above, staff is recommending approval of the project as described in Option 1 below.

Option 1 - Approve Application (Staff Recommendation)

Disposition - This option would result in approval of the Certificate of the Extent of Legal Nonconformity. Staff recommends this option as the request is consistent with the requirements of Chapter 18.132 of the Napa

County Code, applicable General Plan policies, and other applicable County regulations. There will be no significant environmental impacts to the site, as discussed in the staff report.

Option 2 - Deny Application

Disposition - In the event the Zoning Administrator determines that the evidence does not support the conclusion that the pool and privacy wall are legal nonconforming structures, or that the project does not or cannot meet the required conditions of continuance highlighted in NCC 18.132.030 for the granting of the Certificate of the Extent of Legal Nonconformity, the Zoning Administrator should identify what aspect or aspects of the project are in conflict with the required conditions. State Law requires the Zoning Administrator to adopt findings, based on the General Plan and County Code, setting forth why the proposed Certificate of Legal Nonconformity request is not being approved.

SUPPORTING DOCUMENTS

- A. Findings
- B. CLN Application
- C. Graphics and Supplemental Attachments
- D. Public Comments
- E. Supplemental Application Information
- F. Supplemental Graphics

“A”
Findings

1183 State Lane Certificate of Legal Nonconformity Application (P23-00354)
Zoning Administrator Hearing Date September 4, 2024

ZONING ADMINISTRATOR HEARING – AUGUST 28, 2024
RECOMMENDED FINDINGS
1183 STATE LANE CERTIFICATE OF THE EXTENT OF LEGAL NONCONFORMITY
P23-00354-CLN
1183 STATE LANE, Yountville, CA. 94559
(APN 031-170-013)

ENVIRONMENTAL DETERMINATION:

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

1. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable pursuant to the General Rule contained in the Guidelines for the Implementation of the California Environmental Quality Act, Title 14 CCR §15061(b)(3).
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 Zoning Administrator 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.

PLANNING AND ZONING ANALYSIS:

The Zoning Administrator has reviewed the request for a Certificate of the Extent of a Legal Nonconformity (CLN) in accordance with the requirements of the Napa County Code §18.132.030 and makes the following findings:

4. The repair, maintenance, restoration, rebuilding, rehabilitation, remodeling, redesign or arrangement does not enlarge or extend the area of land occupied by the legal nonconformity or cubic content of any structures involved or the square footage of any structure other than a primary residence: does not relocate the legal non-conformity from the location it occupied on the date it first became a legal nonconformity; does not result in the construction of any additional structures, other than those otherwise permitted by the code, on the parcel or parcels occupied by the legal nonconformity; and does not increase the degree of the nonconformity as to the volume of business or production, hours of operation, volume of traffic generated, or volume of waste produced or natural resources consumed.

Analysis: The property owner or their representative has presented sufficient data regarding the CLN that would allow the approval of this request in accordance with Chapter 18.132 of the Napa County Zoning Ordinance. The applicant has provided sufficient evidence in the form of

Napa County Assessor Records. It is noted however that the existing structures on the property has been repaired and/or restored to varying degrees over the years without benefit of required building permits. Therefore, although the structures and uses were legally established, the property owner is obligated to obtain building permits for all repair and restoration work that has occurred. The property owner has complied with PBES requirements and is working with staff to obtain all required permits.

5. The legal nonconformity has not been determined by the director, the board of supervisors, the district attorney, or any other governmental official authorized by law to do so, to be conducted in such a manner as to constitute a public nuisance as defined by Penal Code Section 370 or any future amendment thereof.

Analysis: The property owner or his representatives has presented sufficient evidence/information regarding the CLN along with a search of County Records indicating no history of violations, which allows the Zoning Administrator to reasonably conclude that the requested CLN does not constitute a nuisance.

6. A certificate of the present extent of the legal nonconformity is obtained in accordance with section 18.132.050 prior to application for any building or other permits required in connection with the legal nonconformity.

Analysis: Overall improvements and structures contained within the site are well documented as being in existence prior to the creation of County zoning and building regulations and were not subject to any permitting requirements.

7. The legal nonconformity has not lost its legal nonconforming status through abandonment as defined in Section 18.132.040.

Analysis: The applicant has provided significant written documentation indicating the full extent of use and accessory uses that have historically occurred on site.

“B”

Application

1183 State Lane Certificate of Legal Nonconformity Application (P23-00354)
Zoning Administrator Hearing Date September 4, 2024



A Tradition of Stewardship
A Commitment to Service

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

**APPLICATION FOR CERTIFICATE OF THE EXTENT OF LEGAL
NONCONFORMITY**

FOR OFFICE USE ONLY

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

TO BE COMPLETED BY APPLICANT

(Please type or print legibly)

PROJECT NAME: State Lane Fence

Assessor's Parcel #: 031-170-013 Existing Parcel Size: 1.4 acres +/-

Site Address/Location: 1183 State Lane Yountville, California 94599
No. Street City State Zip

Property Owner's Name: Jeryl Hilleman & William Albright

Mailing Address: 1398 Dana Avenue Palo Alto, California 94301
No. Street City State Zip

Telephone #: (650) 245 - 6539 Fax #: () - E-Mail: balbright@sbcglobal.net

Applicant's Name: Same as above

Mailing Address: same as above
No. Street City State Zip

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

Status of Applicant's Interest in property: Owners

Representative Name: Jay Deguchi

Mailing Address: 8601 8th Avenue So. Seattle, WA. 98108
No. Street City State Zip

Telephone # (206) 256-0809 Fax #: () E-Mail: jay@suyamapetersondeguchi

If Nonconforming structure, type of nonconformity:

- Structure does not conform to issued permits
- X Structure does not conform to zoning requirements (e.g. setbacks)

When was the non conforming use established? (year, month, if known): _____

When was the nonconforming structure build? (year, month if known): pre-1955 (please see attached assessor's records)

PLEASE ATTACH DOCUMENTATION OF CONTUOUS USE and/or CONTINUOUS EXISTENCE OF THE
NONCONFORMING STRUCTURE from the date of establishment.

I certify that all the information contained in this application 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.

William Albright Signature of Property Owner Date 12/3/2013 Signature of Applicant Date _____
Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

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

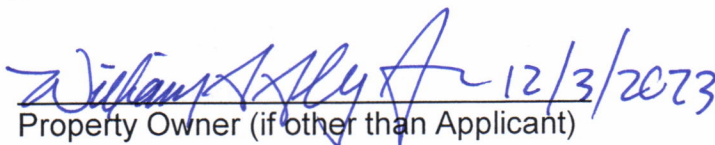
INDEMNIFICATION AGREEMENT

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

 12/3/2023
Property Owner (if other than Applicant)

Date

Project Identification

“C”
Graphics

1183 State Lane Certificate of Legal Nonconformity Application (P23-00354)
Zoning Administrator Hearing Date September 4, 2024



Subject Property (View of Existing Privacy Wall Adjacent to State Lane)



Existing Pool Location



View of Existing Privacy Wall Adjacent to State Lane

RESIDENTIAL BUILDING RECORD

PARCEL 031-170-011

ADDRESS 1183 STATE

SHEET _____ OF _____ SHEETS



BEAU

4/26/2001

DESCRIPTION OF BUILDING							ROOM AND FINISH DETAIL		
CLASS & SHAPE	CONSTRUCTION	STRUCTURAL	EXTERIOR	ROOF TYPE	WIRING	HEATING	FLOOR	FLOOR FINISH	INTERIOR FINISH



MISCELLANEOUS BUILDING RECORD

PARCEL 031-170-011

ADDRESS

SHEET _____ OF _____ SHEETS

DESCRIPTION OF BUILDINGS



BEAU

4/26/2001

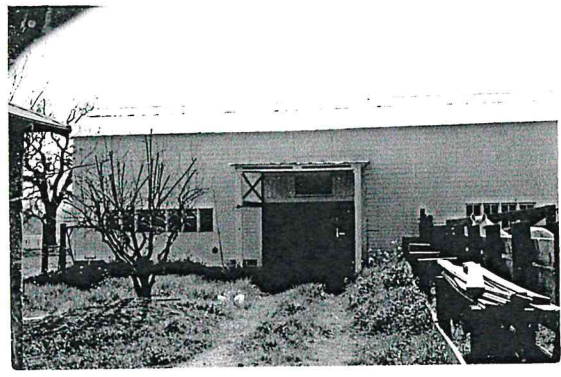
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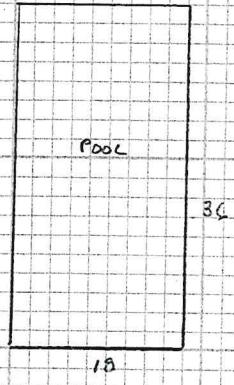
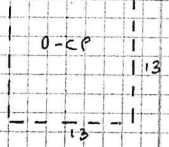
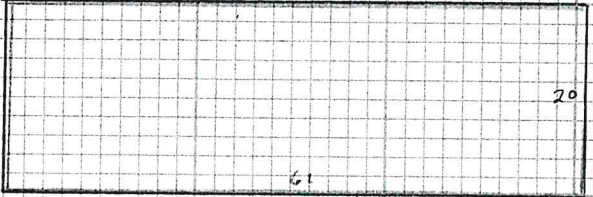
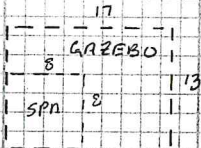
BEAU

4/26/2001

Bldg. No.	Structure	Size	Ft
1	POOL	18 x 36	
2	BARN	61 x 20	CONC
3	GAZEBO	12 x 12	



	Floor & Interior Detail	Second Story or Loft	Year Built	Est. Total Life Yr
			1961	



MISCELLANEOUS BUILDING RECORD

 PARCEL 31-170-11

34

ADDRESS _____

STATE _____

SHEET _____ OF _____ SHEETS

DESCRIPTION OF BUILDINGS

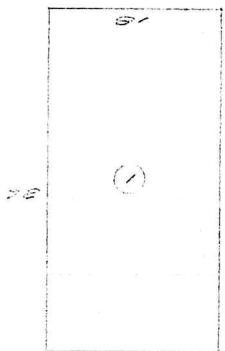
Dg. No.	Structure	Size	Found.	Wall & Exterior	Roof		Floor & Interior Detail	Second Story or Loft	Year Built	Est. Tot. Life Yrs.
					Type	Cover				
1	POOL	36 X 18		CONC - CONC - RO			3240 CONC 1188 50' SHEET	5' 12" CONC	1954	2-20
2	WALL FILTER									
3	CONC	1500								
4	FENCE	142 X 5		8" X 8" (25 FT) 8" X 8" 2 2 X 4 RUNNERS						
5	ADDED	400 X 5		8 X 8 3" 2 X 10 TRAILS						
6	DRIVE	61 X 20	CONC	2 X 4 2" 2" 2" 1" REIN G.	GI	CONC - CONC	2" 20" 2" 20" 2" 20" 2" 20"	8' 12" CONC	1950	2-20
7	TRUCK C/P	18 X 18		2 X 10" 20 12' 0"	GI					
8	DRIVE	61 X 20								

COMPUTATION

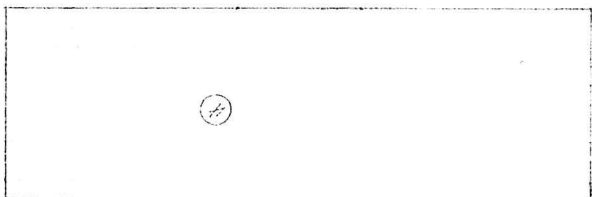
Appraiser - Date		LEW 2-17-65				76 X 113 DE 1/77											
Dg. No.	Area	Unit Cost	Cost	% Good	R. C. N. L. N. D.	Unit Cost	Cost	% Good	R. C. N. L. N. D.	Unit Cost	Cost	% Good	R. C. N. L. N. D.	Unit Cost	Cost	% Good	R. C. N. L. N. D.
1	1188	1.80	2140	53	1130		6500	50	3250								
2			600	"	320		250	40	100								
6	1500	.40	600	"	320	1.00											
2	142	1.30	180	"	100		NOT VALUED										
3	-						NOT VALUED										
4	1230	1.60	1950	41	800	4.70	5730	30	1720								
2	163	1.00	170	"	70	2.00	340	30	100								
5	1220	.50	610	"	250	1.00	1220	30	370								
							X113		X113								
total			6350		2990		15870		4260								

SEE NEW RECORD

Appraiser - Date																	
Dg. No.	Area	Unit Cost	Cost	% Good	R. C. N. L. N. D.	Unit Cost	Cost	% Good	R. C. N. L. N. D.	Unit Cost	Cost	% Good	R. C. N. L. N. D.	Unit Cost	Cost	% Good	R. C. N. L. N. D.
total																	



1000 1000



15 25





“D”

Public Comments

Petition to deny CLN (certificate of the extent of legal nonconformities) at 1183 State Lane, Yountville CA. APN 031-170-13-000 Albright / Hilleman

Dated 1-13-2024

This Petition is from neighbors of above property to oppose the reconstruction of or the existence of a pool and wall built without a permit and out of compliance with setback distances. We are asking that these structures be removed and if replaced be within current codes. Or come to some agreement with all parties to reconfigure to an adequate distance from roadside to not be an out of character obstruction to the neighborhood and to conform to a height and distance that does not obstruct traffic or block vehicle views from entry to and out of their driveway entrance.

Currently the wall and pool are on Notice of Violation Stop Work Order dated 10-11-23 from Napa County Building Dept for being built without permits. An approval of a CLN for this wall and pool would allow these structures too remain in place with conditions. See Napa County code of ordinances chapter 18.132.050

Owners are asking for this CLN to be granted for their financial gain of cutting costs of their project.

We believe they have created their own hardship by choosing to include a non compliant non permitted structure into their building plan for a new home being built currently.

Their issue with location of the pool and wall is not a hardship because the parcel could accommodate them at the correct location with required setback. 1.43 acres parcel with no slope issues.

The approval of this request has no merit and it only serves the owners benefit and takes away from the lanes character and clearly is obtrusive.

The original request was for a Grandfathered approval but the pool was built in 1959 and the wall between 1977 and 1989. Grandfather dates to pre 1955.

If the county approves this request for a CLN they are granting a right to or a privilege to this party that no other property owners may utilize.

Signed Harry Millhouse

Date 1-15-24

Print name Harry Millhouse

Address 1205 STATE LANE, YOUNTVILLE, CA. 94599

Telephone # (707) 225-2691

Petition to deny CLN (certificate of the extent of legal nonconformities) at 1183 State Lane, Yountville CA. APN 031-170-13-000 Albright / Hilleman

Received

FEB 05 2024



Napa County Planning, Building & Environmental Services

Dated 1-13-2024

This Petition is from neighbors of above property to oppose the reconstruction of or the existence of a pool and wall built without a permit and out of compliance with setback distances. We are asking that these structures be removed and if replaced be within current codes. Or come to some agreement with all parties to reconfigure to an adequate distance from roadside to not be an out of character obstruction to the neighborhood and to conform to a height and distance that does not obstruct traffic or block vehicle views from entry to and out of their driveway entrance.

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The approval of this request has no merit and it only serves the owners benefit and takes away from the lanes character and clearly is obtrusive.

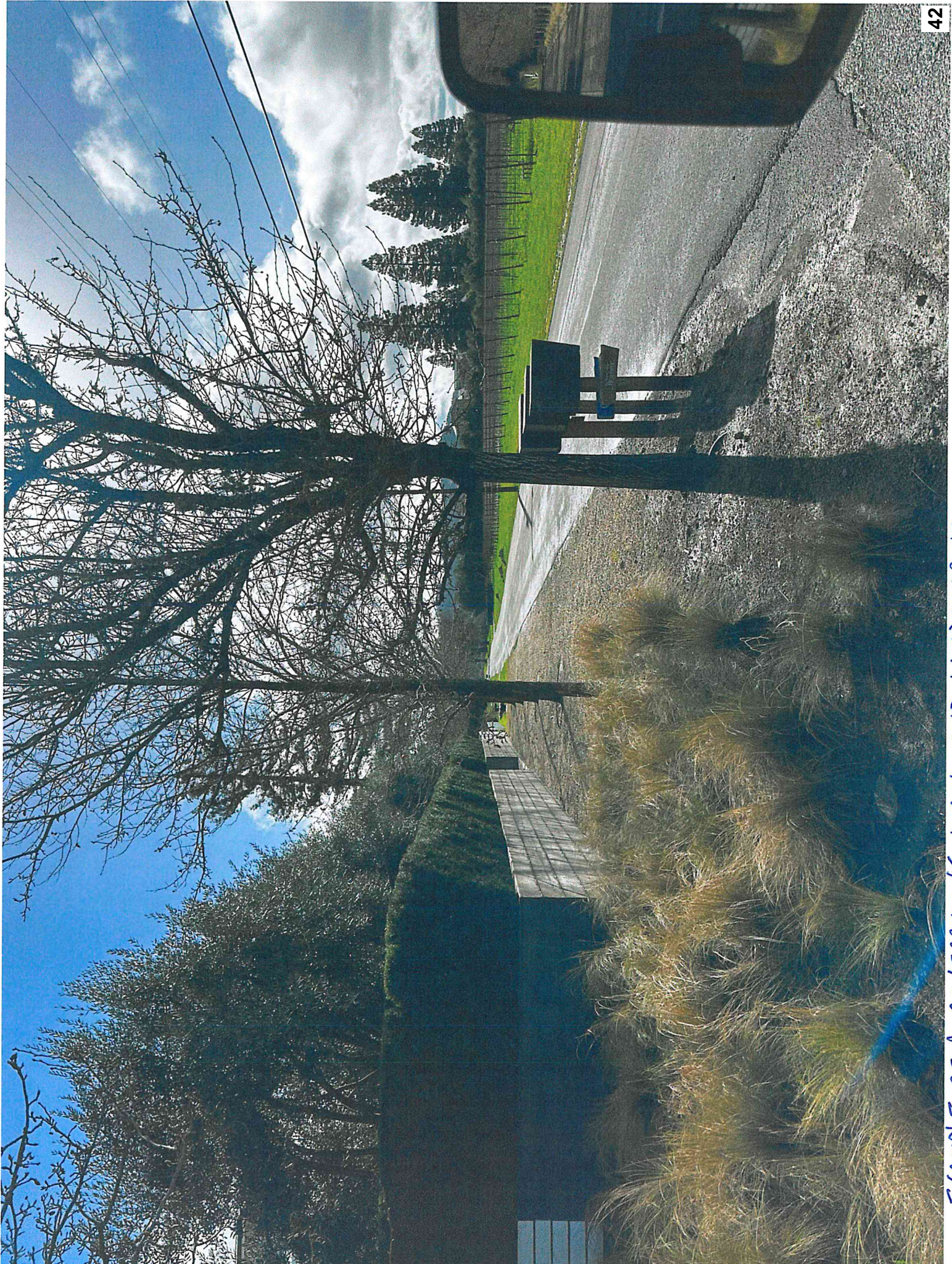
The original request was for a Grandfathered approval but the pool was built in 1959 and the wall between 1977 and 1989. Grandfather dates to pre 1955.

If the county approves this request for a CLN they are granting a right to or a privilege to this party that no other property owners may utilize.

Signed Kevin Hangman Date 2/1/24
Print name KEVIN HANGMAN
Address 1148 STATE LN, YOUNTVILLE 94599
Telephone # 707-815-5274

INCLUDED IS AN EXAMPLE OF A RECENTLY BUILT CONFORMING WALL AND LANDSCAPING AT 1124 STATE LANE.

1124 STATE LN



EXAMPLE OF A CALIFORNIA MILK AND DAIRY BUSINESS

“E”

Supplemental Application Information

1183 State Lane Certificate of Legal Nonconformity Application (P23-00354)
Zoning Administrator Hearing Date September 4, 2024

**William Albright & Jeri Hilleman
1183 State Lane
Yountville, California 94599**

August 30, 2024

Curtis Sawyer, Planner II
Department of Building, Planning & Environmental Services
County of Napa
1195 Third Street, Suite 201
Napa, California 94558

Re: 1183 State Lane Application #P23-00354

Dear Mr. Sawyer:

We appreciate working with you and your support throughout the permit review process. As you could expect, we are disappointed with the outcome of the CLN hearing held Wednesday, August 28th. It seems to us that the normal fact-based review process was upset and replaced by reactions to wild, unsubstantiated claims from a complaining neighbor.

Administrator Bardona made clear early in the hearing that the pool, a surrounding deck and fence or wall, were built prior to 1955. The tax assessor's report clearly states the existence of the pool structure pre-1955. The assessor's report also describes the existence of a 7-foot-tall fence or wall. The "open" issue, if any, is the confirmation of when a pool fence/wall was first created around the pool. We believed before the meeting, and continue to believe, that we have provided a preponderance of evidence that the pool, and an enclosing fence or wall, existed before 1955.

We object to the differential treatment we, as owners, are experiencing compared to a neighbor. Prior to the hearing (8/28/24), the staff report ["A" Findings] recommended approval of our CLN application.

[p. 1; para 7] "The property owner or their representative has presented sufficient data regarding the CLN that would allow the approval of this request in accordance with Chapter 18.132 of the Napa County Zoning Ordinance. The applicant has provided sufficient evidence in the form of Napa County Assessor Records. It is noted however that the existing structures on the property has [sic] been repaired and/or restored to varying degrees over the years without benefit of required building permits. Therefore, although the structures and uses were legally established, the property is obligated to obtain building permits for all repair and restoration work that has occurred. The property owner has complied with PBES requirements and is working with staff to obtain all required permits."

A disgruntled neighbor requested the hearing. At the hearing, he made highly inflammatory statements (i.e. the tax assessor filed false tax records) and claimed direct knowledge that the records were incorrect. He produced no credible evidence to support his claims. None the less, the staff conducting the CLN hearing seemed shocked and taken aback. As a result, they discounted the value of our factual record relative to the neighbor's unsubstantiated claims. I will review them point-by-point to follow.

It is odd that this fence/wall has existed for generations without anyone filing a complaint or taking issue with its existence until we started our site improvements. My sense is that the protest of the neighbors is unrelated to the fence or other land use issues. We purchased our property on October 5, 2000. At that time the existing wall was clearly visible. The neighbor requesting the hearing has had two notices of "Code Violation – Accessory Structure, close to Front Property Line". The first notice was on December 14, 2000. The second notice was on June 16, 2003. As such, Napa was familiar with State Lane over twenty years ago and never raised an objection to our existing structures in the setback.

We are frustrated that the CLN hearing was continued on one neighbor's biased conjecture and unsubstantiated assertions. This creates more work for the staff and further needlessly delays our active construction and site improvements. At your invitation, we are providing additional information to support our claim that the pool, deck and fence/wall in the setback pre-date 1955.

The existence of non-conforming structures in the setback were disclosed to Napa during our permit application process. Our project was approved without comment, much less objection, to the survival of the pre-existing structures in the setback. The permit history with respect to the pool and wall in the setback is documented by the accompanying letter from Jay Deguchi, Partner at the architectural firm Suyama Peterson Deguchi [filename "2024 0830 Site Wall Permitting Memo.pdf"].

1. Initial Permit Set, dated 05.02.2022, notes *existing site wall to remain; new stucco finish to replace existing finish and Existing pool to remain, new concrete slab with integral coping at pool edge* on sheets TS-2, A1.1b. Notes on sheet TS-1 includes *Existing patio to be demolished and replaced with new hard surface; footprint of existing pool to remain; and existing site wall to remain, refer to site plan for additional info.*
2. Permit correction comments received from the county planning division, dated 7/13/2022, request that the applicant provide permit history for the existing retaining walls and pool.
3. August 30, 2022, correction response letter stated that the swimming pool to be retained as part of the replacement project as indicated on the attached records obtained from the county assessor.
4. A second correction letter was sent by the county on November 29, 2022. It notes *Planning Division approved, no comments*. Public Works noted that the existing driveway needs improvement, and required a new encroachment permit for this driveway.
5. A road encroachment permit was approved by Napa County Public Works on 12/15/2022, for the new driveway approach. The drawings attached to the permit clearly show and label *Existing Pool and Existing Wall* within the setback.
6. Permit Drawings approved by Napa County with no additional comments.
7. Permit Revision set, dated September 20, 2023, includes the same notes about Existing wall to remain with new stucco finish, and existing pool to remain with new terrace and coping as in the initial permit set.
8. Permit revision was approved by the county with no corrections.

The county has reviewed and approved our building permit with the full knowledge of the pre-existing structures in the setback remaining and being improved. At no time has the county raised any comment, much less objection, to these non-conforming structures remaining. We have relied on the approved building permits to clear our property, demolish our prior residence and are substantially underway building a new residence per the approved permitted plans. The protracted CLN review process has

caused delays in allowing renovation of the non-conforming structures which have increased costs to our project. We ask for approval of our CLN promptly.

Our justification for approval of our CLN is outlined below. I will rebut any objections or claims made by the neighbor to these points.

1. The tax assessor's report is valid. There is no credible documentation to contradict the written record of the tax assessor's report.
 - a. The complaining neighbor claims the tax assessor filed false reports. This is hearsay without evidence.
2. The tax assessor's report dates the pool existed pre-1955. There is no credible documentation that contradicts this.
 - a. The complaining neighbor says he has lived on the street his whole life and knows the pool was built later than 1955. This is hearsay.
 - b. The complaining neighbor filed a Petition to Deny CLN at 1183 State Lane, dated 1/15/2024. In it he claimed "The original request was for a Grandfathered approval but the pool was built in 1959 and the wall between 1977 and 1989. Grandfather dates to pre 1955". There is no evidence to support this.
 - c. In the hearing on 8/28/2024, the complaining neighbor that requested the hearing, stated publicly that the pool was built 1958-1959. This is hearsay. He provided no evidence.
 - d. We have provided a historical aerial photograph of our property, taken on 8/10/1958 by the USDA. It has been authenticated by Historic Aerials by Netronline and their affidavit of authentication and image stamp are provided. [See files "[Affidavit 2024-01-26 15-27-2 \(1958\).pdf](#)" and "[His Aer Image Stamp.pdf](#)"]
 - e. The 1958 historical photograph shows the existence of the pool and a deck, in service. This clearly disproves the neighbor's claim that the pool was built either in 1959 or 1958-1959. It was already completed by 8/10/1958.
3. The historical aerial photograph from 1958 shows the existence of an enclosure around the pool and deck.
 - a. Jay Deguchi, our architect, is skilled at reviewing and interpreting historical images. He has provided his written opinion (see attached filename "[2024 0830 Aerial View Memo.pdf](#)"), and states "It is our interpretation that foliage and most likely a fence enclosed the north and east sides of the pool terrace at the time the aerial photo was taken."
 - b. Jay Deguchi has provided a site overlay of the original house and pool structures over the 1958 aerial photograph (see attached filename "[2024 0830 Aerial-Survey Overlay.pdf](#)"). This clearly shows that the pool and decking align today with how they existed in 1958.
 - c. Frederika Moller, our landscape architect, is knowledgeable and familiar with our property. She has provided a written opinion (see attached filename "[1183 State Lane 08 30 24.pdf](#)"), and states "The historical aerial photo provided to me and taken in 1958 (authenticated and dated) clearly shows the pool and terrace as it exists today along with other existing site elements. Along the north and east sides of the pool a

- shadow is shown in the photo indicating that there is fence or vertical element surrounding the pool on those sides.”
- d. This proves, we believe, the existence of a fence/wall enclosing the pool as of 8/10/1958.
4. We cite the tax assessor’s report, specifically the photograph on page 9, as evidence of a pool and fence enclosure under construction. The photo is undated.
 - a. Prior to the CLN hearing on 8/28/2024, The complaining neighbor produced two photographs, neither one of which is authenticated. One photo shows a child on a diving board (dated “ NOV 1964”). The other photo shows a fence on the east face of the property some distance from the property across the street (dated “OCT 1965”). He claims that these photos are the same as the tax assessor photo on page 9.
 - b. The origin of these two photos is not attributed to anyone. There is no way to validate the purported dates marked on the images. As such, they are not as credible as the historical aerial photograph we have provided with credentials.
 - c. None the less, we examined both of the neighbor’s photographs and compared them to the tax assessor’s photograph. They are NOT the same images and therefore could not be interpreted as dating the tax assessor’s photograph on page 9.
 - d. The child on the diving board shows two hanging flower pots on a fence on the north side of the pool. The pots are full. Moreover, the neighbor’s photo shows a pool full with water. The tax assessor’s photo shows two hanging empty flower pots. It also shows a pool that is nearly empty. Clearly the neighbor’s photo is from a different time than the tax assessor’s photo. It does not date the tax assessor’s photo nor disprove it in any way.
 - e. The view of the fence on the east side (i.e. facing State Lane) of our property shows vineyards between the camera and our property. The 1958 aerial photograph shows no vineyard present across State Lane from our property. Clearly the neighbor’s photo is later than 1958.
 - f. The view of the fence from across the street shows the topline of the wooden fence between the pool and street is straight. The tax assessor’s photo of the pool clearly shows two structures, which we interpret as scaffolds, standing adjacent to a gate. The scaffolds are ~3-4 feet taller than the wooden fence. The vineyard view of the fence does NOT show the two scaffolds sticking above the topline of the fence. Therefore, the neighbor’s photo is not from the same time as the tax assessor’s report.
 - g. We conclude that the tax assessor’s report photo on page 9 is valid and not dated in the 1960’s as claimed by our neighbor.
 5. Our experts have reviewed the tax assessor’s report photograph on page 9. They interpret it to show a pool under construction with a fence enclosing the pool. Relying on their judgment, we believe that the pool and fence were built concurrently. Ergo, the initial fence was built pre-1955.
 - a. Jay Deguchi, our architect, evaluated this photo and discussed it in his written opinion stating “In our professional opinion, it is highly likely that this fence was built concurrently with the pool & terrace.”
 - b. Frederika Moller, our landscape architect, evaluated this photo and discussed it in her written opinion. She stated “In the Napa Assessor’s photo, the pool has a small amount

of water in the bottom indicating that the pool has not been filled yet and is still in construction along with the fence enclosure. In my experience and knowledge of pool construction, a pool is not left drained because hydrostatic pressure could lift it out of the ground.”

- c. Mark Chambers, Principal of Chamber’s Pools, has reviewed this project and the tax assessor’s photography page 9. He is experienced building new pools and renovating pools originally constructed in the 1950s. He has provided a written opinion (attached filenames “[Albright 08.30.24.pdf](#)” and “[Albright info 08.30.24.pdf](#)”). Referring to the photo in the tax assessor report, page 9, he writes, “It is [customary] in my opinion and the many pool construction projects I have completed to have documentation of your new pool being filled and completed. I believe this picture indicates that event. Also, the plaster on the wall appears to be new and free of any indication of use or exposure to chemicals.”
 - d. May I add that the tax assessor’s photo shows that the two scaffolds straddling the gate in the fence are barricading the gate with cross-beams. If the pool were in service, presumably it would be secured with a chain and padlock for ease of use. The scaffolds are not intended for convenience but possibly support for the fence while being erected and keeping the area secure until the pool is filled and put into service.
6. The tax assessor’s report makes multiple references to the existence of a fence or wall. It measured the height (7 feet) and the length (252 liner feet) without dating these measurements. Our experts believe that site specific conditions, safety concerns and building practices would have necessitated building an enclosure around a new pool concurrently.
- a. Our architect’s memo highlighted the necessity of enclosing the pool at the time it was built. He stated “The existing pool coping and terrace elevation is approximately 2’ higher than State Lane, at the time of construction and today. The historic photos show a 5’-6’ +/- tall fence around the pool and terrace. In our professional opinion, it is highly likely that this fence was built concurrently with the pool & terrace. The fence serves multiple purposes: protection from falling off the terrace due to the grade change, providing privacy from State Lane, reducing wind exposure at the pool, as well as controlling access to the pool preventing a public nuisance/risk. Constructing a fence at the same time as the pool and terrace would be conventional practice due to safety and privacy concerns, construction efficiency and any permissions required.”
 - b. Our landscape architect’s memo listed the reasons a fence would have been built concurrently with a pool.
 - i. “Safety—to prevent public access to the pool area;
 - ii. Privacy fencing—To create privacy from the road since the pool is located in the front yard;
 - iii. Elevation of pool—The pool is 2’ above the street elevation and the fence prevents one from falling off the terrace to road level.”
 - c. Mark Chamber’s written opinion also cited the elevation change as compelling an enclosure as the pool was built. He wrote “I know that there is a grade change of 2 feet around the pool and this would be a reason to construct the perimeter fence you see in the photograph as well. Privacy would also have been another factor in its construction.

In my opinion the pool and fence were completed at the same time as indicated in photograph reference #1 [which refers to the tax assessor's report, image on page 9]."

7. Conclusion:

- a. The tax assessor's report is valid and dates the existence of the pool pre-1955.
- b. The photo (p. 9) in the assessor's report depicts the pool under construction and enclosed by a fence.
- c. Public safety considerations necessitated that any pool built near the street ~2 feet above grade level, would have to be enclosed while being constructed.
- d. Ergo, the initial fence was established pre-1955.

We recognize that there are gaps in the data records in this case. None the less, the final decision to acknowledge that the existing 7' wall is descended from a legal non-conforming fence should be based on the substantial evidence in the record. The county assessor's records provide that substantial evidence. The Napa County assessor's records clearly indicate that the pool was constructed in its current location prior to 1955. As confirmed by our experts, the photograph included in the assessor's records shows a pool under construction surrounded by fencing.

Whether or not the building code at the time of construction required fencing around a pool, leaving a substantial pool (18' x 36') unfenced would present a liability to the property owner. The fence would have been constructed concurrent with the pool to ensure that passersby and neighbors were protected from an attractive public nuisance.

We trust and expect that absent factual, authenticated statements or other evidence to the contrary, the Zoning Administrator will acknowledge the pre-1955 construction of the existing fence/wall along State Lane in the continuing CLN hearing on September 4, 2024. To deny this acknowledgement would set up a situation where we could not meet the requirements of the building department to protect the existing pool now under renovation. Acknowledgement of the pre-1955 fence/wall is mandated based on the evidence we submitted and allow a compliant pool enclosure to protect our existing pool to be renovated and retained.

Thank you.



Bill Albright
1183 State Lane
Yountville, CA 94599

Attachments:

2024 0830 Site Wall Permitting Memo.pdf
Affidavit 2024-01-26 15-27-2 (1958).pdf
His_Aer_Image_Stamp.pdf
2024 0830 Aerial View Memo.pdf
2024 0830 Aerial-Survey Overlay.pdf
1183 State Lane 08_30_24.pdf
Albright 08.30.24.pdf
Albright info 08.30.24.pdf

F R E D E R I K A
M O L L E R
L A N D S C A P E
A R C H I T E C T

August 29, 2024

Curtis Sawyer
Planning, Building & Environmental Services
Napa County, California

Dear Mr. Sawyer -

I am the Landscape Architect collaborating with the Owners on the landscape improvements for their property at 1183 State Lane. I am familiar with the property as I have made many site visits over the course of the project work. The Owners provided extensive historic documentation and asked me to review and analyze this information regarding the pool and site wall in question.

The historical aerial photo provided to me and taken in 1958 (authenticated and dated) clearly shows the pool and terrace as it exists today along with other existing site elements. Along the north and east sides of the pool a shadow is shown in the photo indicating that there is fence or a vertical element surrounding the pool on those sides.

In the Napa Assessor's photo, the pool has a small amount of water in the bottom indicating that the pool had not been filled yet and was still under construction along with the fence enclosure. In my experience and with knowledge of pool construction, a pool is not left drained because hydrostatic pressure could lift it out of the ground.

Lastly, in my professional opinion, the construction of the fence at the time of the pool's construction was a necessity for the following reasons:

- 1) Safety – to prevent public access to the pool area.
- 2) Privacy fencing – To create privacy from the road since the pool is in the front yard.
- 3) Elevation of pool – The pool is 2' above the street elevation and the fence prevents one from falling off the terrace to road level.

In my professional opinion and from the documentation provided, it is evident that the pool and fence were constructed at the same time.

Sincerely,



Frederika Moller

1878 Tacoma Ave, Berkeley, CA. 94707

Cell: (510)502-3941

Suyama Peterson Deguchi

30 August 2024

Curtis Sawyer
Planning, Building & Environmental Services
Napa County

Dear Curtis,

We have been asked by the homeowners at 1183 State Lane, Yountville CA to analyze and provide comment on the historic documentation assembled through the homeowner's extensive research, based on our past residential design and construction experience.

We overlaid the aerial image with the survey documenting the existing conditions prior to the permit submittal for the new Hilleman-Albright residence in 2022. This overlay confirmed that the swimming pool and terrace are the same size and location as shown in the aerial photo from the 1950's relative to other site features, property lines and State Lane. Shadows are visible around the north and east sides of the pool terrace, in a distinct linear arrangement. Elsewhere on the aerial image foliage is not clearly defined, appearing as similar shadowy forms but without the linear organization visible around the pool. It is our interpretation that foliage and most likely a fence enclosed the north and east sides of the pool terrace at the time the aerial photo was taken.

The existing pool coping and terrace elevation is approximately 2' higher than State Lane, at the time of construction and today. The historic photos show a 5'-6'+/- tall fence around the pool and terrace. In our professional opinion, it is highly likely that this fence was built concurrently with the pool & terrace. The fence serves multiple purposes: protection from falling off the terrace due to the grade change, providing privacy from State Lane, reducing wind exposure at the pool, as well as controlling access to the pool preventing a public nuisance/risk. Constructing the fence at the same time as the pool and terrace would be conventional practice due to safety and privacy concerns, construction efficiency and any permissions required.

Thank you,



Jay Deguchi
Principal, Suyama Peterson Deguchi Architects

Suyama Peterson Deguchi

30 August 2024

Curtis Sawyer
Planning, Building & Environmental Services
Napa County

Dear Curtis,

This memo summarizes our project permitting history at the Hilleman-Albright Residence at 1183 State Lane, Yountville, CA. This project includes the demolition and replacement of an existing single family residence, construction of a new pool house, and repairs to the existing swimming pool and site wall. A portion of the existing site wall was demolished at the driveway to allow for required site access clearance.

Synopsis of permit reviews for Hilleman-Albright residence:

- Initial Permit Set, dated 05.02.2022, notes *existing site wall to remain; new stucco finish to replace existing finish and Existing pool to remain, new concrete slab with integral coping at pool edge* on sheets TS-2, A1.1b, A1.1b. Notes on sheet TS-1 include *Existing patio to be demolished and replaced with new hard surface; Footprint of existing pool to remain; and Existing site wall to remain, refer to site plan for additional info.* TS-2 clearly shows and labels the street and front yard setbacks, and notes the existing top of wall elevation in a couple places.
- Permit correction comments received from the county planning division, dated 7/13/2022, request that the applicant provide permit history for the existing retaining walls, pool and pool equipment.
- August 30, 2022 correction response letter to the county includes the following responses:
 1. Provide permit history for the retaining site wall
Response. A recent visit to the site revealed no existing retaining walls on the property. There are landscape walls 2-3 feet in height between the rear of the existing residence and the barn. Typically walls that are not retaining and are less than three (3) in height do not require permits. A picture of the landscape walls is attached to this response.
 2. Provide permit history for pool.
Response. The existing swimming pool was constructed in 1953-54 as indicated on the attached records obtained from the county assessor. It is our understanding that the county did not issue permits before 1955. No change to the existing pool is proposed by this application.

3. Provide permit history for pool equipment.

Response. The existing pool equipment and enclosure will be removed. Both are proposed to be replaced and will be located outside of the required State Lane centerline setback.

- November 29, 2022 a second correction letter was sent by the county. It notes *Planning Division – approved, no comments*. Public Works noted that the existing driveway needs improvement, and required a new encroachment permit for the driveway.
- A road encroachment permit was approved by Napa County Public Works on 12/15/2022, for the new driveway approach. The drawings attached to the permit clearly show and label *Existing Pool* and *Existing Wall* within the road setback.
- Permit Drawings approved by Napa County with no additional comments.
- Permit Revision set, dated September 20, 2023, includes the same notes about Existing wall to remain with new stucco finish, and existing pool to remain with new terrace and coping as in the initial permit set. Permit revision was approved by the county with no corrections.

Based on our professional experience and past history, our understanding is that the site wall was reviewed and approved by the county as a part of the building permit, issued in November/December 2022. The existing wall was clearly noted on the site and floor plans as existing, with a new stucco finish to replace the existing finish. The county did not provide any review comments suggesting the existing wall posed any kind of permitting challenge at that time, or during the subsequent permit revision in September 2023.

To moderate neighborhood concerns we are proposing a board-formed concrete fence to provide a more aesthetic and enduring finish. The color and texture of this concrete fence reference the agricultural heritage of the area and natural color of the landscape. After some investigation and discussion with the contractor, it is clear that the existing stucco fence will require much more maintenance to remain presentable and acceptable to the neighborhood. Historically we have found municipalities amenable to structural modifications when the previous work had been permitted and approved.

Thank you,



Jay Deguchi

Principal, Suyama Peterson Deguchi Architects

AFFIDAVIT OF AUTHENTICITY

I, Brett Perry, being of full age and sound mind, with residence in the state of Arizona, Maricopa County, MAKE OATH AND SAY THAT:

- 1) I am the President of "Historic Aerials by Netronline;"
- 2) On January 24 and 25, 2024, I received requests from William A. Albright, Jr. for aerial images pertaining to 1183 State Lane, Yountville, California;
- 3) As Record Custodian, I am familiar with the attached images consisting of:
 - a) Hist_Aer_State_Ln_2_1958.jpg; and
 - b) Hist_Aer_State_Ln_2_1958.tif.

are hereby verified as true and exact copies of originals issued to me by the United States Department of Agriculture (USDA);

- 4) These records are kept in the usual and ordinary course of business.

Dated: 1/26/2024

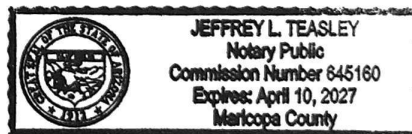
[Handwritten Signature]
Signature of Affiant

Brett A. Perry
Print Full Legal Name of Affiant

SUBSCRIBED AND SWORN before me this 26th Day of January, 2024,

by Brett A. Perry

[Handwritten Signature]
NOTARY PUBLIC FOR ARIZONA
My Commission Expires: 4-10-27



CHAMBERS POOLS

California License #974691

August 30, 2024

Bill Albright
1183 State Lane
Yountville, CA 94599
650 245 6539
balbright@sbcglobal.net

To whom It may concern:

My name is Mark Chambers, and I am the owner of Chambers Pools. I have been in the swimming pool construction business for over 25 years and hold 3 licenses in good standing with the State of California. General Construction "B", C-53 pool contractor, and C-35 concrete and cement expert. Prior to my construction company, I was a tool and dye machinist for 20 years in the manufacturing and aerospace industries.

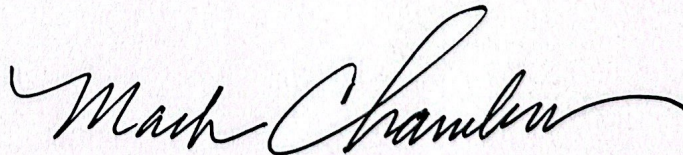
In the pool construction portion of my business, I also owned and operated for 16 years our in-house pool plaster company. Our consistent installation regiment was (4) four pools per day, 5 to 6 days a week. I am familiar with all phases of pool construction and practices. The pool in question at 1183 State Lane, Yountville, CA., was constructed in 1954 based on reference #2 and reference #3 of the tax record. I am very aware of the applications that existed during this time having remodeled and repaired the "Morton warm spring" resort pools 18 months ago. The Morton pools were constructed during the same time as the State Lane pool.

The picture provided (reference #1) shows a view from deep end to shallow end with a portion of the pool water in the vessel. It is in my opinion and the many pool construction projects I have completed to have documentation of your new pool being filled and completed. I believe this picture indicates that event. Also, the plaster on the wall appears to be new and free of any indication of use or exposure to chemicals.

I know that there is a grade change of 2 feet around the pool and this would be a reason to construct the perimeter fence you see in the photograph as well. Privacy would also have been another factor in its construction. In my opinion the pool and fence were completed at the same time as indicated in photograph reference #1.

If you have any additional questions, I am available at (707)685-6807.

Thank you for your consideration, Mark Chambers



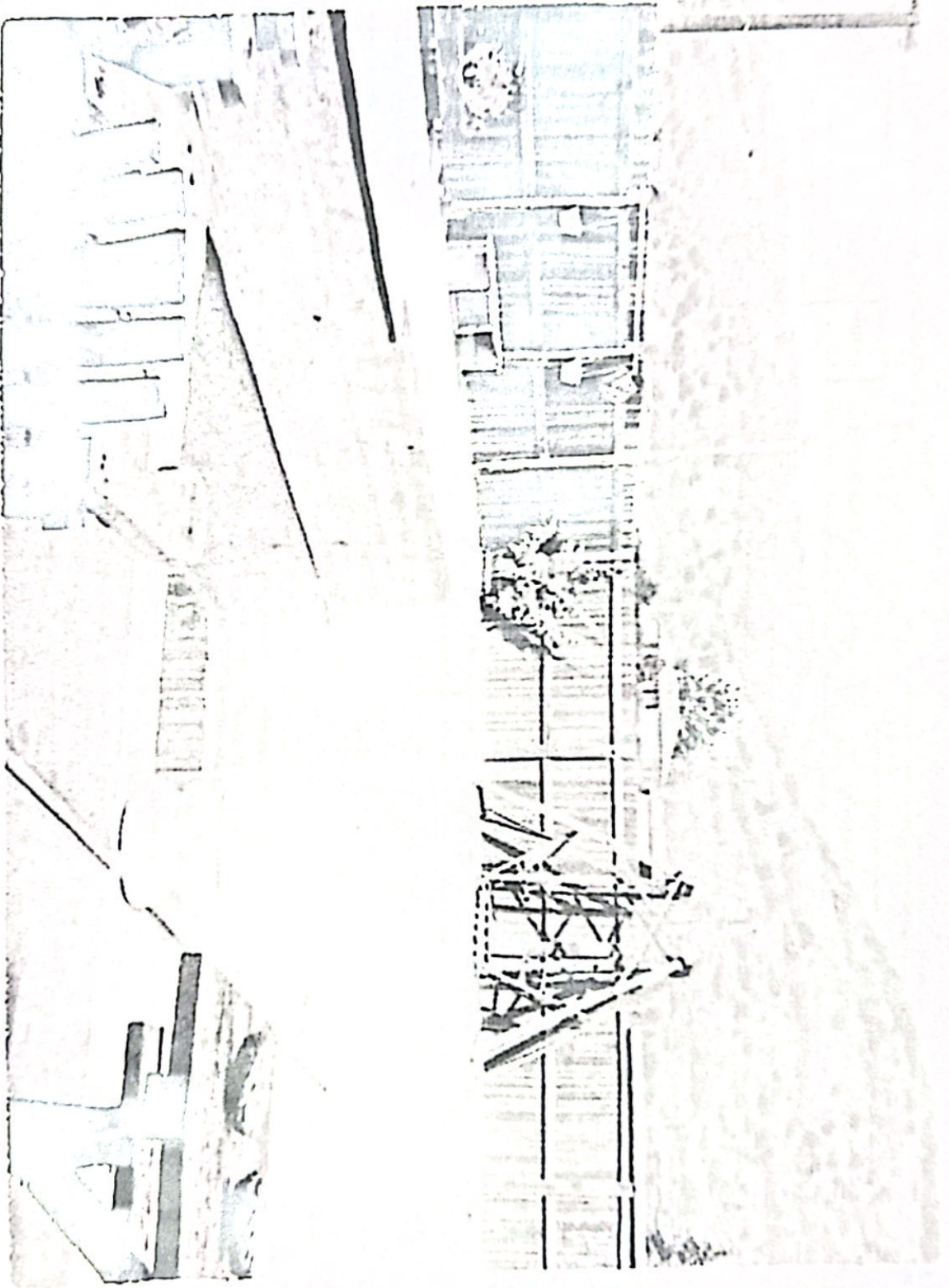
*It is understood that this letter is a professional opinion only. It's intended use or misuse is not the responsibility of Chambers Pools or its owners. *

103 Orchard Lane, Winters, CA 95694 *** Phone (707) 451-9231
www.chamberspools.com

“F”

Supplemental Graphics

1183 State Lane Certificate of Legal Nonconformity Application (P23-00354)
Zoning Administrator Hearing Date September 4, 2024



Ref #1

MISCELLANEOUS BUILDING RECORD

PARCEL 31-170-11

ADDRESS

SHEET OF SHEETS

DESCRIPTION OF BUILDINGS

Bldg. No.	Structure	Size	Found.	Wall & Exterior	Roof		Floor & Interior Detail	Second Story or Loft	Year Built	Est. Tot. Life Yrs.
					Type	Cover				
1	2300	15 x 25		2300			5240			20
2	2300	15 x 25		2300						
3	2300	15 x 25		2300						
4	2300	15 x 25		2300						
5	2300	15 x 25		2300						
6	2300	15 x 25		2300						
7	2300	15 x 25		2300						
8	2300	15 x 25		2300						

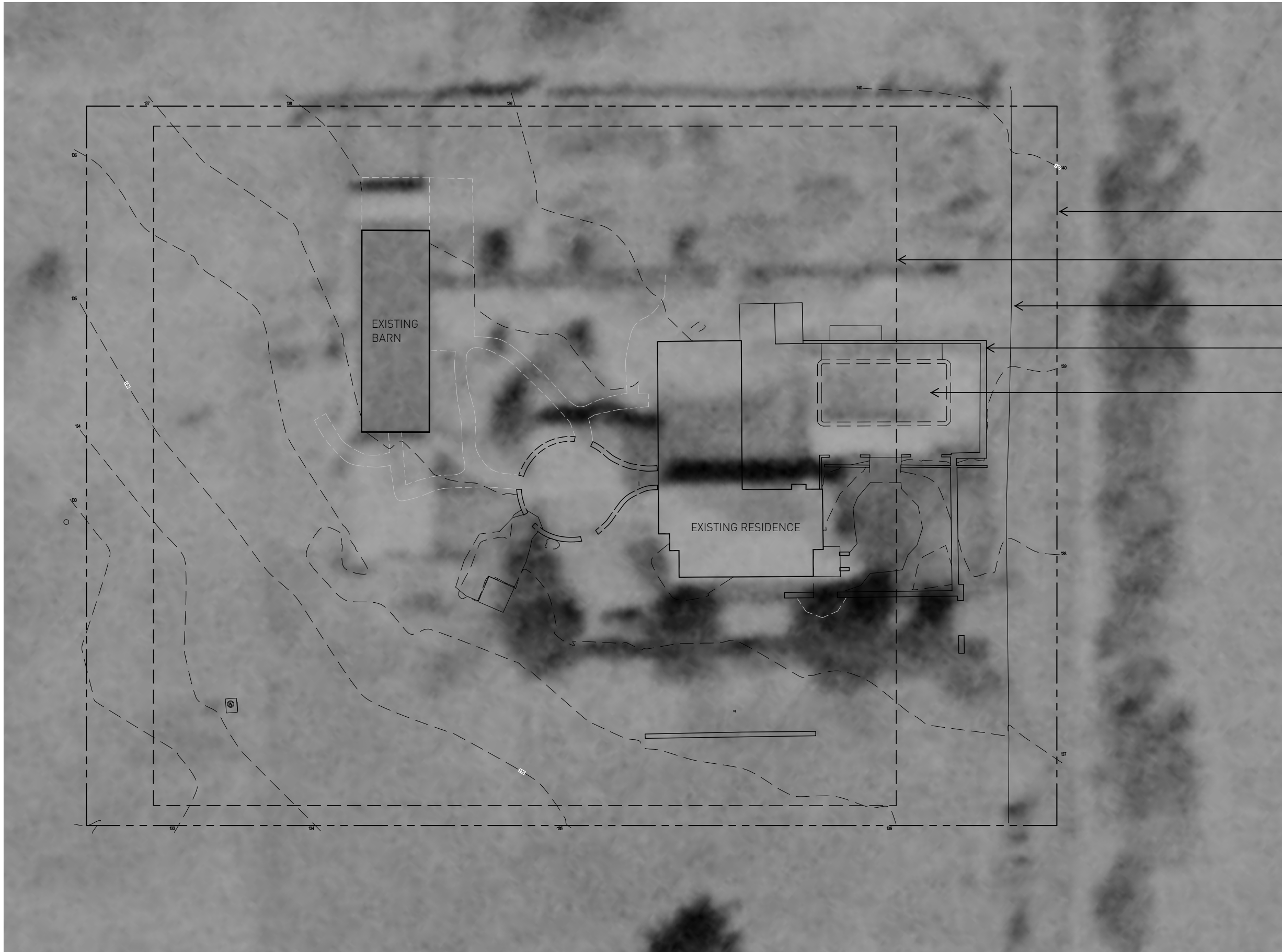
Ref #2

COMPUTATION

Appraiser-Date		76X113															
Bldg. No.	Area	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.
1	1158	1.50	1737	50	1158	6.50	7500	50	3250								
2			500		320	2.50	800	40	100								
3	1500	2.00	3000		320	1.00	1500										
4	125	1.50	187.5		100												
5																	
6	1250	1.00	1250	30	300	4.70	5730	30	1720								
7	160	1.00	160		70	2.00	320	30	100								
8	1220	1.50	1830		250	1.00	1220	30	370								
Total			6750		2890		15870		6260								

SEE NEW RECORD

Ref #2



PROPERTY LINE / STATE LANE CENTERLINE

FRONT YARD SETBACK

EDGE OF STATE LANE PAVEMENT

EXISTING FENCE PER SURVEY

EXISTING SWIMMING POOL PER SURVEY



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Action	View	Year	Purchase Date	Description	Source
		1958	2024-01-24 12:54	Aerial 1800x1800 JPG (1958: Hist Aer State Ln 2)	USDA (1958-08-10 - 1958-10-02)
		1958	2024-01-24 12:46	Aerial 3600x3600 JPG (1958: Hist Aer Photo State Ln)	USDA (1958-08-10 - 1958-10-02)

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