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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.