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## Recommended Findings

**ZONING ADMINISTRATOR HEARING – June 30, 2021  
RECOMMENDED FINDINGS**

**Black Oak Residence Variance  
Application No. P21-00046-VAR  
326 Black Oak Lane, Napa, CA 94558  
APN #019-392-006**

**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 proposed residential accessory structure and water tank have also been submitted. Noticing and public hearing requirements have been met. The hearing notice was posted on June 18, 2021, 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 June 18, 2021 to June 29, 2021.
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 0.27-acre parcel has a significant environmental constraint not shared by other properties in the vicinity: steep slope. The average slope of the property from the street level to downhill is approximately 51%. Compared to the average slope of adjacent properties, this slope steepness serves as a unique characteristic as a significant portion of the rear yard is not economically feasible for development. Further analysis submitted by the applicant shows that comparable adjacent parcels average a slope of approximately 35% which is significantly less than the average slope of the subject parcel. Construction of the proposed single-family home within the allowable setbacks would constrain the size of the home or require expansion to occur on a second story (above the street level floor on Black Oak Lane) which would increase the cost of the project and negatively impact lake views of neighboring properties to the south. The granting of this variance would not confer a special privilege as the subject parcel contains a unique 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 unique foundation systems (i.e., concrete piers and retaining walls) or second-story development which would negatively impact the lake views of neighboring properties. Approval of the variance would allow the subject property owner to construct a single-family home comparable to the adjacent properties on Black Oak Lane, consistent with the site's zoning and General Plan land use designations. Further, the variance to the side-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, results 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. Furthermore, granting of the variance application will allow the property owner to be one of the first homes reconstructed on Black Oak Lane since the 2020 LNU Complex Fires.

Constricting the development to the nine-foot setback would create a substantial hardship in that the alternative option for development would be a second-story addition which would be more costly to construct and would negatively impact the lake views of the neighboring properties. A comparison table of the costs of constructing the proposed single-family home in the required nine-foot setback

versus in the requested six-foot setback was prepared by the project applicant and is included within the attached Findings Justification Exhibit (Figure-1). As shown in the Attachment, the costs of constructing the single-family home further into the rear yard without the benefit of the approved variance would cost approximately \$81,255 when compared to the proposed variance for a six-foot setback.

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 Standards for water and wastewater requirements, and Engineering Divisions Requirements all with recommended conditions that shall be incorporated into the project to assure protection of public health, safety and welfare.