



# Town of Yountville

1980 Yountville Cross Road  
Yountville, CA 94599

## Staff Report

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### **ZONING AND DESIGN REVIEW BOARD STAFF REPORT**

Date: April 9, 2024

To: Zoning and Design Review Board Members

From: Heather Gurewitz, Contract Senior Planner, M-Group

Applicant: Crossroads Circle LLC

Owner: Crossroads Circle LLC

Location: 1980 Yountville Cross Road (APN: 013-260-026)

Zoning: Single-family Residential (RS)

Request: Consider Major Subdivision Tentative Map to subdivide a 1.33-acre parcel into nine single-family residential lots, Preliminary and Final Master Development Plan with two deviations, one Concession and five waivers under State Density Bonus Law, Design Review with Waivers, Tree Removal, and a Fence Extension Request.

### **RECOMMENDATION:**

Adopt a resolution recommending that the Town Council approve the Major Subdivision Tentative Map, Preliminary and Final Master Development Plan, Density Bonus Concession and Waivers, Design Review, Tree Removal, and Fence Extension, adopt Conditions of Approval, and find the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15332 as an Infill Development project.

### **PROJECT SITE**

The project site, located at 1980 Yountville Cross Road is a 1.33-acre parcel (57,499 square feet) and is designated by the Yountville General Plan and Zoning Map as Single-family Residential (RS). The site contains an existing single-family dwelling that is eligible for listing on the National Register of Historic Places (NRHP), the California Register of Historic Places (CRHP) under Criterion 3 Architectural Significance, and thus qualifies as a historical resource under the California Environmental Quality Act (CEQA). The site also contains several existing auxiliary structures including a detached two-car garage, a cottage, a storage shed, a well, and well house, none of which qualify as eligible historic resources. There is an existing paved driveway that serves the existing residential uses on the project site. There are 47 trees on the project site including nine heritage trees.

The site is substantially surrounded on all sides by development. A condominium development known as The Crossroads, is located along the north and west boundary of the site. A single-family dwelling is located along the majority of the eastern boundary, and Yountville Cross Road abuts the site to the south, with single-family dwellings beyond.



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### BACKGROUND AND PROJECT DESCRIPTION:

The subject property was initially developed c. 1875 with the single-family dwelling on a 37-acre ranch. Additions to the single-family dwelling were made in the 1920s and 1930s to include the wrap-around porch that is visible today. In 1945, the dwelling, along with 4.41 acres of the property were separated from the larger parcel and sold. In 1980, 3.08 acres of the property were divided from the remaining 1.33-acre parcel and is now the Crossroads condominium development which surrounds the parcel on the north and west property boundary.<sup>1</sup> The historic resource evaluation determined that the existing single-family dwelling initially constructed in 1875 is eligible for the California Register under Criterion 3 Architectural Significance (**Attachment E**).

The project proposes to retain the historic single-family dwelling and the existing detached accessory dwelling unit, and demolish all other auxiliary structures, and site infrastructure, and remove approximately 11 trees in order to subdivide the existing 1.33-acre parcel into nine parcels ranging from 5,433 to 7,498 square feet and construct an additional eight dwellings and two Junior Accessory Dwelling Units (JADUs).

The project would provide two new deed-restricted affordable units. The historic single-family dwelling and the existing cottage would be relocated from their current locations on the property to Lot 1 following the Secretary of the Interior Standards for Rehabilitation. The dwellings would be deed-restricted to provide affordable housing to low-income households and the cottage would be converted to an Accessory Dwelling Unit (ADU) and deed restricted to provide affordable housing to moderate-income households. Each dwelling on Lot 1 would be available for rent.

The project would also include the construction of eight single-family dwellings on Lots 2-9; the single-family dwellings to be constructed on Lots 6 and 7 would include two junior accessory dwellings. All new dwellings would be two-stories and the total floor area would range from 2,228 square feet to 2,812 square feet and would include an attached two car garage. Upon completion, there will be a total of twelve units consisting of nine single family dwellings, two JADUs, and one ADU. Although the plans include information describing the ADU & JADU additions, these elements are subject to ministerial approval under State law and are not in the purview of the Board or Town Council; these elements are provided for informational purposes only. (Gov. Code, § 65852.2, subd. (a)(3)(A).) Similar to qualifying projects under the HAA and waivers under the SDBL, the Town may not deny ADU or JADU applications which satisfy applicable objective standards. The Board's or Council's review is limited to the discretionary items listed in this staff report.

Site access would be provided via a 25-foot-wide private road that would intersect with Yountville Cross Road and a second 20-foot-wide private stub road to reach the dwelling units for Lots 6-9. Other site improvements include fencing, lighting, landscaping, tree removal and re-planting, and the installation of a private gate at the entrance to the private road. Required public improvements would include the development of the sidewalk along Yountville Cross

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<sup>1</sup> Brunzell, Kara. "Department of Parks and Recreation Primary Record 523A Form for 1980 Yountville Cross Road" September 29, 2022.



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Road between the new private road connection and the end of the existing sidewalk at the property boundary to the west, where the existing sidewalk currently ends.

The application for this project was submitted on March 30, 2023, and revised July 5, 2023, and October 30, 2023. The project was deemed complete on December 6, 2023, and a final submission was sent on December 20, 2023. The project was deemed consistent with applicable standards by operation of law on Jan. 5, 2024. Revised plans were submitted on March 5, 2024 and found to be in compliance with the General Plan, YMC Title 16, and YMC Title 17. **(Attachment B)**

### HOUSING ACCOUNTABILITY ACT

As a result of the housing crisis in California, between 2017 and 2019, the Legislature expanded the Housing Accountability Act (HAA) (Gov. Code, § 65589.5) no less than seven times, placing restrictions on local governments' ability to deny housing development projects.

The HAA prohibits a local government from denying or reducing the density of housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards, absent written findings that the project would have a specific, adverse impact on health or safety that cannot be satisfactorily mitigated or avoided. (Gov. Code, § 65589.5(j)(1).) The receipt of a density bonus, incentive, concession, or waiver (discussed below) is not a valid basis to find a housing development project inconsistent with applicable standards. (Gov. Code, § 65589.5(j)(3).)

This means that, unless the Town can find that the project would have an unavoidable, specific adverse impact on public health or safety, it may not deny the project or place conditions on the project that would reduce the density of the project.<sup>2</sup>

### DENSITY BONUS WAIVERS AND CONCESSION

A project that provides at least 10% of the total number of project dwellings as affordable units is eligible for concessions and waivers authorized by the State Density Bonus Law (SDBL) (Gov. Code, § 65915). Projects that are deemed eligible are allowed at least *one* concession and the waiver of *any* standard that would physically preclude the construction of the development at the density proposed. Similar to the HAA, a local jurisdiction's authority to deny a waiver or concession is *extremely limited*.

Pursuant to California Government Code § 65915(d)(1), a concession can only be denied if written findings are made based on substantial evidence that the concession would not result in identifiable and actual cost reductions, or would have a specific, adverse impact upon public health and safety or on any real property that is listed in the California Register of Historical Resources, or would be contrary to state or federal law.

California Government Code § 65915(e)(1) requires that a waiver be approved unless written findings can be made based upon substantial evidence that the waiver would have a specific, adverse impact upon public health and safety or on any real property that is listed in the

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<sup>2</sup> California Department of Housing and Community Development Division of Housing Policy, "Housing Accountability Act Technical Assistance Advisory (Gov. Code §65589.5). September 15, 2020.



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California Register of Historical Resources, or because the waiver would be contrary to state or federal law.

The project is eligible for a density bonus because ten percent of the total units would be available for rent to low-income households. (Gov. Code, § 65915(b)(1)(A).) Accordingly, in compliance with SDBL, the project is eligible for one concession and *unlimited* waivers of any standard that would physically preclude the construction of the development at the density proposed. (Gov. Code, § 65915(d)(2)(A).)

The applicant has requested one Density Bonus Concession and five Density Bonus Waivers:

**Concession:** Relief from the requirement that the size and design of inclusionary unit(s) be reasonably consistent with the non-inclusionary unit(s).

**Waiver 1:** Install a private road with two-way travel lanes without on-street parking, sidewalks, and landscape medians.

**Waiver 2:** Relief from installing a sidewalk on the project frontage along Yountville Cross Road between the eastern property line and the new access road.

**Waiver 3:** Exceed the height limit to allow for more than 50% of the parcels on the block to have a second story. Exceed Yountville Municipal Code (YMC) Table 17.20-1 requirement that no more than 50% of parcels containing single-family or duplex units in any block may exceed one story in height.

**Waiver 4:** Relief from the FAR requirements (as an alternative to the FAR Bonus provided by YMC §17.100.040, in the event the Town determines that garage square footage is included in FAR for purposes of the Bonus). Exceed Table 17.20-1 FAR Requirements of 0.30 for a living area of a single-family residence and 0.35 including the garage.

**Waiver 5:** Relief from YMC §17.116.020.F.1.a: Parking requirement for two spaces, consisting of one covered space and one screened space on Lot 1.

## DISCUSSION:

### INCLUSIONARY HOUSING REQUIREMENT

The project is subject to the Town's Inclusionary Housing Ordinance as detailed in YMC §17.160.020. The project would include a total of ten (eight dwellings and two JADUs) *new* units. The Inclusionary Housing Ordinance requires that 15% of the *new* units be reserved for Very Low-, Low-, or Moderate-Income Households. For this project, 1 unit is required because a decimal fraction equal to or less than 0.5 is disregarded (15% of 10 = 1.5) (YMC §17.160.020.B.1.b.ii.). YMC §17.160.020.B.3 requires that the size and design of inclusionary unit(s) be reasonably consistent with the non-inclusionary unit(s). The applicant has requested to use their one concession granted by SDBL to relieve them of this requirement.

On December 4, 2023, the applicant provided documentation (**Attachment C**) stating that:



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*By allowing the Project to provide the low-and moderate-income rental affordable units in existing, rehabilitated structures on 1 of the 9 lots, instead of as new single-family home and JADU, the requested concession will result in identifiable and actual cost reductions of approximately \$865,315. These cost reductions are essential to allow the Project to provide the proposed affordable housing units, which affordable units are estimated to cost \$829,400 for the low-income unit (the Farmhouse) and \$393,965 for the moderate-income unit (the Cottage) (total \$1,223,365).*

There is no evidence contrary to the applicant's justification for the identifiable cost reductions that would be achieved from the concession. Further, the concession would not have a specific adverse impact on public health or safety nor on any real property listed on the California Register of historic resources, and it is not contrary to state or federal law. Therefore, per SDBL, the concession *must be* granted.

Additionally, YMC §17.160.020.E.1 requires every discretionary permit for a residential development project subject to the provisions of YMC §17.160.020 to contain a condition detailing the method of compliance with the Inclusionary Housing Program. As such, the following condition of approval is required to implement the regulations during the operation of the project:

**COA 1:** Pursuant to YMC Section 17.160.020(H), a final housing agreement shall be completed and recorded prior to approval of the final subdivision map by the Town Council. The Housing Agreement shall address all operating responsibilities of the project required by the Inclusionary Housing Program.

As conditioned, and through the application of a Density Bonus Concession, the project complies with the Town's Inclusionary Housing requirements.

### SINGLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

The project is subject to the General Development Standards for the Single-Family Residential (RS) Zoning district in Yountville Municipal Code §17.20.050 Table 17.20-1 which includes the following standards:

#### *Density*

The project would subdivide a 1.33-acre parcel into 9 parcels. The RS Zone allows up to 7 units per acre and mandates that new intended for single-family development lots be at least 4,000 to a maximum of 8,000 sf. The proposed lots sizes comply with the size limits. The two JADUs and one ADU are exempt from the calculation of density per California Government Code §65852.2. Therefore, for the purposes of density, the project with nine dwellings on 1.33 acres represents a density of 6.8 units per acre, which is consistent with the RS District density.

#### *Floor Area Ratio*

YMC §17.20.050 Table 17.20-1 sets the maximum FAR for a single-family residence on a lot with less than 8,000 square feet at 0.30 for a single-family residence and 0.35 for a single-family dwelling with a garage at 0.35. The FAR for each lot is as follows:



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Lot #	Lot Size (SF)	House* (SF)	Garage (SF)	Total (SF)	FAR w/o Garage	FAR w/Garage
1	5,900	1,160	-	1,160	0.20	0.20
2	6,330	2,381	460	2,841	0.38	0.45
3	6,267	2,381	460	2,841	0.38	0.45
4	6,897	2,479	440	2,919	0.36	0.42
5	7,498	2,802	446	3,248	0.37	0.43
6	6,672	1,749	462	2,211	0.26	0.33
7	6,981	1,749	462	2,211	0.25	0.32
8	5,433	2,172	445	2,617	0.40	0.48
9	5,445	2,172	445	2,617	0.40	0.48

\* Does not include the square footage of JADU or ADU

As shown in the table above, the developments proposed for Lots 2, 3, 4, 5, 8, and 9 would exceed the maximum allowable FAR (0.35). However, the applicant has requested **Density Bonus Waiver # 4** to allow for a higher FAR. Staff has determined that enforcing the FAR requirement could physically preclude the construction of the development at the density proposed and that the increase in FAR would not have an adverse impact upon public health and safety nor on any real property that is listed in the California Register of Historic Resources. It would not be contrary to State or Federal Law. Therefore, Waiver #4 to exceed the FAR maximum *complies* with SDBL and *must be* granted.

### Setbacks

YMC §17.20.050 Table 17.20-1 Minimum Setbacks requires that each dwelling be separated from each parcel line by the distance provided in the table that follows:

Setback	Minimum Required	Setbacks Proposed by Lot # in feet								
		1	2	3	4	5	6	7	8	9
Front	20 feet	20	20	20	20	20	20	20	20	20
Interior Side	5 feet	7	5	5	5	5	5	5	7	6
		-	6	6	5	9	-	-	5	5
Side (Street Fronting)	10 feet	10	-	-	-	-	10	10	-	-
Rear	20 feet	30	27	20	20	22	20	23	20	20
Rear or Side ((J)ADU)*	4 feet	4	-	-	-	-	4	11	-	-

\* ADUs are subject to the required front setback. (See YMC § 17.156.030(F).)

The setbacks of the dwellings meet the required minimum setbacks per the Town's Municipal Code as described above. This includes porches and decks that encroach into the setbacks no more than 10 feet in compliance with setback encroachments allowed by YMC §17.108.010(B) which allows architectural elements up to one story in height or 12 feet to the plate height such as covered decks or unenclosed porches no closer than 10 feet to the front property line. Therefore, the project complies with the Town's requirements for setbacks.





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### Height

The RS Zoning District has a maximum height limit of two stories, however, no more than 50% of parcels containing single-family or duplex dwelling units in any block are permitted to exceed one story in height. The existing block extends from Yount Street to Stags View Lane and includes parcels on Mesa Court and Tallent Lane.<sup>3</sup> Using the methodology described in Footnote 1 of YMC §17.20.050, 50% of the parcels containing single-family or duplex dwelling units exceed one story in height within the same “block” as the project and the addition of eight new two-story structures would exceed the 50% maximum on the block. In compliance with SDBL, the applicant has requested **Density Bonus Waiver #3** to waive this requirement because, to construct the same size dwellings as single stories would require larger lots which would, in turn, require reducing the number of units and thus the density. Waiver of the standard would not have an adverse impact on public health and safety or on a historic resource, nor be contrary to State or Federal Law. Therefore, Waiver #3 *complies* with SDBL and *must be* granted.

### GENERAL DEVELOPMENT STANDARDS

#### Parking

YMC§ 17.116.020.F requires that each dwelling be provided with 2 off-street parking spaces consisting of one covered space and one screened space. Lots 2-9 would have two car garages which qualify as covered and screened spaces for each dwelling. However, Lot 1 does not have covered or screened parking. **Density Bonus Waiver #5** has been requested because requiring covered parking on Lot 1 would require additional space and would physically preclude the project from developing at the density and intensity of use proposed. Because of the historic value of the house (Criteria 3 Architectural Significance), placing a garage or carport in front of the dwelling would potentially impact the character of the historic resource. Additionally, introducing a garage to the side of the historic residence would encroach in the setback. While the lots could be reconfigured to allow space for a garage or carport, the applicant states that this would result in the reduction of the number of lots that could be developed precluding construction at the density permitted under the SDBL. The waiver of this requirement would not have an adverse impact upon public health and safety nor on any real property that is listed in the California Register of Historic Resources, nor would not be contrary to State or Federal Law. Therefore, Waiver #5 *complies* with SDBL and *must be* granted.

Additionally, in compliance with YMC§ 17.116.020.H.2 all units have electrical service for potential electric vehicle charging. All units will have vehicle charging outlets in the designated parking area and the standard is met.

YMC§ 17.116.050.A.1.a sets the maximum driveway width for single-lot access at 18 feet for two-car garages on the front half of the lot and requires that no more than 50% of the driveways in a Master Development Plan of five or more units shall be allowed to exceed 10 feet in width.

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<sup>3</sup> YMC Footnote to Table 17.20-1: Block shall mean both sides of the street lying between intersecting streets. Corner houses shall be counted on both street elevations. In situations where a block face is divided by an intersecting street compared with the opposite block face, the determination of block shall include all parcels to the nearest through street on either side of the intersecting street.



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All new lots would have a driveway that exceeds 10 feet wide and therefore, it does not meet the 50% standard. However, YMC §17.192.030.D allows for Master Plans to deviate from the “minimum number of parking spaces, location, and design” required by Title 17 as part of a preliminary or final Master Development Plan approval, and staff recommends that the ZDRB recommend approval of the deviation to accommodate the egress for the two vehicle parking spaces required by Title 17. Alternatively, the ZRDB could recommend including a condition requiring that 50% of the driveways be reduced to 10 feet or less; however, this would impact access to the two required parking spaces. With the application of a deviation as allowed by YMC §17.192.030.D, the project complies with the Town’s parking requirements.

### *Water Efficient Landscaping*

The Water Efficient Landscaping is intended to reduce water waste and provide for efficient water use in new and rehabilitated landscaping. In compliance with YMC §17.124.020, a condition has been added:

**COA 2:** Prior to the issuance of a building or grading permit, final plans shall be submitted to the Planning and Building Department along with documentation demonstrating compliance with Water Efficient Landscape Guidelines or California Model Water Efficient Landscape Ordinance.

As conditioned, the project complies with YMC §17.124.020.

### *Tree Removal and Preservation*

The project site has 47 trees including ornamental trees, native oak trees, and nine heritage trees. The project is designed to avoid impacting native oak trees and heritage trees whenever possible. Nonetheless, the project would result in the removal of 11 trees including one heritage tree. Per YMC § 17.128.050(D), an application for and granting of a tree removal permit may be jointly considered with an application for any other required development entitlement.

A Tree Inventory was prepared to document the species, size, and health of the trees on the project site. **(Attachment D)** In order to ensure that trees are protected and replaced in compliance with YMC Chapter 17.128, **COA 3** and **COA 4** have been added.

**COA 3:** The following measures shall be taken to protect and/or replace trees on the project site:

1. Tree protection fencing shall be installed and verified by an inspection of the Town Arborist prior to issuance of site improvement or grading permits and prior to permitted tree removal.
2. All project contractors shall follow the recommendations (in the Key to Tree Inventory Chart) for removal or preservation as described in the Arborist Report prepared by Horticultural Associates on June 24, 2023.
3. Project contractors shall conduct all work in compliance with the policies and procedures described in YMC § 17.128.080 (“Tree protection during development.”) during development.





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4. In the event that work encroaches into the Tree Protection Zone, the project work shall be conducted in compliance with the policies and procedures described in YMC § 17.128.100 ("Additional duty of care for heritage trees.").
5. Prior to issuance of a grading or building permit, the applicant shall pay a \$10,000 deposit to the Town for inadvertent, un-permitted removal, or damage to any trees as a result of the project per YMC § 17.128.100(J).

**COA 4:** Any tree removed or damaged through the development process shall be replaced at a 1:1 trunk diameter ratio (e.g., the removal of one 12-inch DBH tree shall necessitate the planting of six two-inch DBH trees or four three-inch DBH trees, etc.). The minimum size for a replacement tree shall be 15-gallons. The minimum size for a replacement of a heritage tree or a native oak shall be 24-inch box. Replacement trees shall meet the standards of size, species, and placement as for tree replacement in compliance with YMC §17.128.070.

As conditioned, the project complies with the requirements of YMC Chapter 17.128.

### *Outdoor Lighting*

YMC §17.116.080 requires that the average illumination at the ground shall be no more than one foot candle, except where an increase in lighting level is recommended by a lighting consultant or qualified professional as necessary for safety. Plans indicate that lighting would be provided by PIL Mimik Bollard lighting that will be 25-39 inches in height and emit 700+ lumens. To ensure compliance, a condition of approval has been added:

**COA 5:** A final lighting plan in compliance with all applicable lighting standards in YMC §17.116.080 and Chapter 17.132 shall be submitted to the Planning and Building Department prior to issuance of a building permit.

As conditioned, the project complies with YMC §17.116.080.

### *Fencing/Retaining Walls*

Proposed Project fencing includes:

- Six-foot-tall opaque wood fencing with cedar horizontal slats and a two-foot semi-opaque fence extension that would surround the property on the north and west property boundaries shared with the Crossroads Condominiums and in between most of the lots,
- Three-foot tall opaque wood fence along Lots 6 and 7 adjacent to the new access road and a short section between the ADU and the main house on Lot 1 adjacent to Yountville Cross Road,
- Three-foot tall wood frame and wire fencing along Yountville Cross Road between the back of sidewalk and the property line of Lots 7 and 9 and along the eastern property boundary as well as and along the eastern property line,
- Three-foot tall metal post entry gate with decorative trim across the private road at the entrance to the new access road, and
- A 72-foot long and five-feet tall retaining wall from the northeast corner of the property to connect with the existing retaining wall along the eastern boundary of the project.



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YMC §17.136.020 allows fencing up to six feet tall along the side and back property lines and three feet tall in other locations. Additionally, a two-foot screen extension may be approved through an administrative process with permission of the abutting offsite property owner or through a notice of action with a 30-day appeal period. The fence extension was included in the project request and noticed to abutting property owner(s) as part of the project entitlements. No fencing will exceed eight feet in height. Therefore, the proposed fencing complies with YMC §17.136.

### *Utility and Refuse Storage*

As proposed, there are several appropriate and screened locations for the storage of refuse enclosures including within garages and behind the opaque fencing. These locations are not within the front setback. However, the plans do not clearly indicate that electrical equipment, air conditioners, or other utility equipment would be appropriately screened per YMC § 17.40.020, so a condition has been added:

**COA 6:** Plans submitted for building permit shall show air conditioners, similar mechanical equipment, utility equipment, and any other equipment and shall be fully screened with materials that are consistent with the design of landscaping and fencing.

Additionally, the original plans showed the location of utility transformers in the front yard of Lot 1. The final submission did not show the transformers, but stated, *"the ultimate location of the transformers will be determined by PG&E. We have removed the transformers from the civil and landscape plans and they will be located by the utility as part of the construction plans and specifications."* Because it is unclear if PG&E would determine that the transformers must be located within the front yard of Lot One, and this would not comply with the Zoning Ordinance, a deviation is necessary to ensure that the utilities can be placed as needed. Therefore, a Master Plan Deviation from the standard that prohibits the placement of the utility transformer in the front yard is recommended for approval.

As conditioned and through the application of a Master Plan Deviation, as allowed by YMC §17.192.030.D, the project complies with YMC Chapter 17.140.

### RESIDENTIAL DESIGN STANDARDS

YMC Chapter 17.40 provides the Town's Objective Design Standards (ODS) and Guidelines for residential development. Because the project is subject to the Housing Accountability Act, the Town *may only* review the project for compliance with ODS, which are summarized below.

**Note: The project has already been deemed consistent with these ODS by operation of law under the Housing Accountability Act.** But the Town may still impose conditions of approval that do not require the project to be developed at a lower density.

The project would subdivide the existing parcel into nine lots ranging in size from 5,433 to 7,498 square feet and no more than 25% of the lots are the same size in compliance with ODS. The project provides for a variety of lot layouts and configurations. All dwellings would be two stories with a maximum height of 28 feet and solar-ready pitched roofs that exceed the minimum required pitch of 4:12. Roof forms incorporate multiple ridges and eaves and utilize either metal seam or composite shingle roofing materials. The exterior siding would be either horizontal



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cement board, board and batten cement board siding, or vertical barn wood. Chimneys will be clad with stucco or stone accent. Solid cedar posts and cable railings would be used for posts and railings. While not proposed, the Town's Objective Design Standards do not allow the use of T-111 or plywood. To ensure that the project complies with this standard, a condition of approval has been added:

**COA 7:** T-111 or plywood shall not be used for exterior siding.

All structures incorporate changes of plane and roof forms that reduce the massing of the building, including a smaller second story. The color palette includes a variety of shades of white, beige, sage, and several shades of gray that have been chosen for historic compatibility, and no more than three units would be painted the same color.

The new units on Lots 2-9 would also have the following features:

- wood clad windows recessed by 3 inches,
- a combination of high windows, obscure glass, window offsets, and six-foot-tall lattice around balconies to ensure privacy for new and existing neighbors,
- covered porches or entryways that meet the minimum depth and width (72 square feet 6 ft deep) required,
- attached exterior wood decks (less than 30 inches above grade) of varying sizes,
- landscaping that would consist of low hedges and lavender, and
- at least one tree in the front yard or front setback.

The existing historic house and existing cottage (not historic) would maintain their existing exterior features and as-is appearance except that the house will be moved in compliance with the Secretary of the Interior Standards for Rehabilitation and re-painted a color from within the historic color palette.

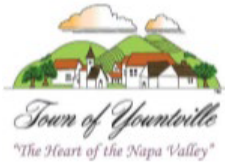
A detailed analysis of the project's design is included as **Attachment H**. While the project has been deemed consistent with the ODS by operation of law, waivers are required for the following standards:

- *Multi-car garages are permitted if located on the rear half of the lot or screened from view from adjacent street frontages by building placement, landscaping, and/or fencing in compliance with Chapter 17.136.*

All garages are two-car garages located along the front of the house and visible from the (private) street. Therefore, a waiver of this standard as allowed by YMC §§ 17.40.010 and 17.40.020 is necessary for project approval.

- *For single-family houses with attached garages, the width of the house shall be at least five feet greater than the width of the garage along its street frontage. The garage shall be set back at least ten feet farther than the house from the street.*

While the projecting features (porches) in some cases project ten feet from the wall of the conditioned space (the house), they are not the primary wall of the house as they are not



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part of the conditioned space. This is clearly demonstrated by the plans submitted which show the area of the conditioned space and distinguish the exterior walls of such space. Several of the garages are not set back ten feet from the wall of the conditioned space, i.e., the house. Therefore, a waiver of this standard as allowed by YMC §§ 17.40.010 and 17.40.020 is necessary for project approval.

- Building facades that face street frontages shall include breaks in their wall plane by incorporating one or more techniques along at least 20% of the entire street-facing facade, such as varying setbacks, recessed or projecting building entries, wall offsets, wall projections or variation in materials.

The wall is that which surrounds the conditioned space. While porches and balconies provide articulation, a porch is not a conditioned space and is not a wall. Therefore, a waiver of this standard as allowed by YMC §§ 17.40.010 and 17.40.020 is necessary for project approval.

As conditioned and through the application of Density Bonus Waivers, waivers as allowed by YMC Chapter 17.40, and two Master Plan Deviations, the project complies with the Objective Design Standards for Residential Development.

### GENERAL PLAN CONSISTENCY ANALYSIS

As noted above, the project is consistent with the Single-Family Residential Land Use Designation as well as the density maximum of seven units per acre. The project, as designed or through the application of Density Bonus Waivers, is generally consistent with most of the applicable Goals, Policies, and Actions in the General Plan. In other cases, the imposition of a Condition of Approval (COA) is necessary to achieve consistency. **Note: The project has already been deemed consistent with objective General Plan standards by operation of law under the Housing Accountability Act.** But the Town may still impose conditions of approval that do not require the project to be developed at a lower density.

A complete General Plan Analysis is included as **Attachment I**. The following policies require conditions:

*Policy H-8.8 Continue to enforce the Rental Registration program, pursuant to Yountville Municipal Code Chapter 8.08, and require a minimum rental period of 30-days.*

**COA 8:** The Homeowners Association shall require that any units used as rentals are registered with the Town.

*LU-2.10 Require new developments to maintain significant natural, historic, and cultural characteristics of their respective sites.*

*Goal OH-1: Identify, preserve and protect potential and listed historical resources.*

*OH-2.1b: Require a cultural or archaeological survey prior to approval of any project where a known historical, cultural, or archaeological resource is located or in an area sensitive for cultural or archaeological resources. If significant resources are identified and recorded require*



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*appropriate measures to reduce adverse impacts to the resource, such as avoidance, capping of the site, documentation or conservation.*

**COA 9:** The applicant shall take the following steps to preserve the historic structure:

1. The applicant shall follow the recommendations and the procedures outlined in the Historic Preservation Relocation Plan prepared for the project by Architectural Resources Group dated July 25, 2023 (**Attachment F**), as well as comply with the Secretary of the Interior Historic Rehabilitation Standards.
2. As noted in Chapter 4 of the Historic Preservation Relocation Plan, the procedures include a relocation plan, photographic documentation, and Pre-Demolition and Moving Conference meetings.
3. A copy of the final relocation plan shall be provided to Town staff prior to commencing the relocation of the building. Final review/approval of and the relocation plan shall be reviewed by an architectural historian contracted by the Town.
4. The applicant shall purchase a bond for a minimum of \$1,000,000 to protect against accidental or inadvertent demolition during the moving of the structure. The bond shall not be released until the structure has been successfully relocated and the applicant has completed the remediation plan to the satisfaction of the Town and the Town's architectural historical consultant.
5. Prior to issuance of a building permit, the applicant shall submit a deposit of \$15,000 to cover the cost of an architectural historian should one be needed in the event that any portion of the structure is inadvertently demolished or any of its character-defining features are damaged. In such an event, the applicant shall contact the Town within 24 hours and work shall pause pending consultation with the Planning and Building Department. The Town will contract with an architectural historian to develop a remediation plan in compliance with the Secretary of the Interior Standards for Treatment of Historic Properties. The applicant will be responsible for all costs associated with the implementation and completion of the remediation plan.
6. The applicant will notify Town staff of relocation progress at reasonable intervals and at completion for final inspection by the Town and the Town's architectural historical consultant.

*OH-2.1d Require new development, infrastructure, and other ground-disturbing projects to stop work and notify the Town in the event that construction or grading activities result in an inadvertent discovery of significant historic, cultural, paleontological or archaeological resources. Such resources shall be examined by a qualified historian or archeologist for potential protection and preservation measures, and appropriate measures shall be implemented to preserve, relocate, and/or record the find, as appropriate.*

To ensure consistency with this policy, COA-10 has been added:

**COA-10:** In the event that cultural resources or human remains are inadvertently discovered during ground disturbing activities, the following conditions shall apply:

- a. If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100





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feet of the discovery shall cease, the Planning and Building Department shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Planning and Building Department.

- b. If human remains are discovered during any ground disturbing activity, work shall stop until the Planning and Building Department and the County Coroner have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the Planning and Building Department.
  - If the skeletal remains are found to be prehistoric, Native American and not modern, then the coroner must call the Native American Heritage Commission in Sacramento that will designate the “Most Likely Descendant” (or MLD) of the discovered remains. The MLD will be responsible for recommending the disposition and treatment of the remains (before construction is resumed). Although the likelihood of encountering human skeletal remains in the project area seems slight, it is important to have a procedure for alternate tasks that can be put into effect quickly in the event that human remains are discovered. This allows for work to continue elsewhere on the project area (where appropriate given the size of the property and location of the discovery) while the remains are properly investigated.
  - If any prehistoric artifactual materials such as modified obsidian flakes or formed tools or concentrations of natural obsidian nodules are observed during any phase of grading or future construction on the property, all work in the vicinity of the find shall be stopped until the area of the discovery can be evaluated by an archaeologist. Depending on the extent and cultural composition of the discovered materials, subsequent excavation monitored by an archaeologist may be required, who shall be ready to record, recover and/or protect significant artifactual materials from further damage.

*Action NS-1.2f During review of development, infrastructure, and other projects involving construction activities, determine if proposed construction projects could exceed the Town’s Noise Ordinance standards at nearby residences and sensitive receptors and, if necessary, require mitigation measures in addition to the standard best practice controls.*

**COA-11:** All contractors shall incorporate the following Best Practices to limit noise exposure for all residents.

1. Construction shall be limited to the following times (excluding holidays): 9:00 a.m. to 6:00 p.m., Monday through Friday. Construction shall comply with the Town’s Noise Control Regulations as set forth in YMC Chapter 8.04.
2. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
3. Quiet construction equipment, particularly air compressors, are to be selected whenever possible.





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4. All stationary noise-generating construction equipment such as generators or air compressors are to be located as far as is practical from existing residences. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
5. Unnecessary idling of internal combustion engines is prohibited.

*Policy NS-1.3 Reduce vibration impacts from demolition and construction projects.*

*Action NS-1.3a Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to the building. A vibration limit of 0.30 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.*

**COA-12:** When compacting soils, all compaction shall be completed using a roller. Vibration compaction is prohibited.

*OS-5.4b Require development and infrastructure projects to address potential impacts to special-status species and sensitive habitats, including sensitive natural communities, wetlands, vernal pools, waters of the U.S, and wildlife migration corridors. Prior to approval, a Biological Resources Assessment shall be completed for the project site that evaluates the potential for biological resources (including any plant or animal species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service) and sensitive habitats to be found on the subject site or affected by the project. The Biological Resources Assessment shall include mitigation measures, if necessary, to reduce impacts to the associated species and/or habitats.*

Nesting birds and bats may potentially use existing buildings or trees for roosting or nesting. As such, the following conditions have been added:

**COA 13:** If site preparation, grading, or construction will occur between February 1 and August 31 the following steps shall be taken:

A survey for active bird nests will be conducted by a qualified biologist no more than 14 days prior to the start of project activities (vegetation removal, grading, tree removal, building demolition or other initial ground-disturbing activities) if they commence during the nesting season (February 1 through August 31). The survey will be conducted in a sufficient area around the Study Area to identify the location and status of any nests that could potentially be directly or indirectly affected by project activities. Upon completion of the surveys, any nests discovered will be avoided through a work exclusion buffer determined by a qualified biologist to avoid impacts. Buffers will be sufficiently large and long in duration such that nest abandonment is avoided. The qualified biologist will determine the buffer based on the species and the type of disturbance anticipated to result from project activities.

**COA 14:** To avoid impacts to special status bats and all bat maternity roosts, removal of any large trees (greater than 24 inches diameter at chest height) will be conducted during the non-maternity roosting season, which coincides with the non-nesting season for birds during the months of September through January. Additionally, all trees that are felled, regardless of the



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time of year, will be left on the ground for 24 hours prior to cutting up or removing the trees from the project area, allowing any roosting bats potentially present to escape overnight. If any building is demolished or a tree greater than 24 inches at chest height is cut during the maternity roosting season, a qualified biologist will inspect the tree or structure for maternity roosting bats prior to commencing demolition or removal. If active roosts are detected, they will be avoided until after they become inactive.

*OS-7.1d Review development projects to ensure compliance with the current regional air quality plan and to ensure that appropriate measures are implemented to address both short-term (e.g., construction) and long-term (e.g., operational) air quality impacts.*

*OS-7.2 Minimize exposure of sensitive receptors to concentrations of air pollutant emissions, toxic air contaminants, and odors.*

**COA 15:** In order to limit the construction effects on air quality, the following Best Management Practices shall be followed by all project contractors during all phases of the project:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.
- The applicant/general contractor for the project shall demonstrate to the local jurisdiction that all off-road equipment greater than 25 hp that will be operating for more than 20 hours over the entire duration of the construction activities at the site, including equipment from subcontractors either produce zero emissions or meet both of the following requirements: 1) have engines that meet or exceed either US EPA or ARB Tier 2 off-road emission standards; and 2) have engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used (equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required).



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- Idling time of diesel powered construction equipment, trucks and generators shall be limited to no more than 2 minutes. Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.
  - Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible.

*SH-1.6b Require soils reports for subdivisions and new development proposals. Building materials and construction procedures must adhere to specifications of soils engineer.*

**COA 16:** The applicant shall implement the recommendations of the Geotechnical Investigation prepared by PJC & Associates, Inc. on March 6, 2023 (**Attachment G**). The final plans shall reflect the recommendations and be submitted to the Building Department for review prior to issuance of a Building Permit.

As conditioned and through the application of allowable Density Bonus Waivers, the project is consistent with the applicable policies and actions in the General Plan.

### SUBDIVISION DEDICATIONS, EASEMENTS, RESERVATIONS, AND REIMBURSEMENTS

#### *Easements*

One 25-foot-wide and one 20-foot-wide Private Access and Utility easement is proposed and shall be recorded on the final map in accordance with YMC §16.24.010. No other easements are required.

#### *Dedications, Reservations, Waivers, and Reimbursements*

The Town Engineer is responsible for determining if proposed subdivision improvements comply with the provisions of Title 16 (Subdivisions) and the Subdivision Map Act (Gov. Code, § 66410, et seq.). Prior to Final Map approval, the Town Engineer will require park land and/or school site dedication in compliance with YMC §§16.24.020 and 16.24.030. The Town Engineer has reviewed the proposed Tentative Map and determined that no additional reservations are required. Prior to approval of the final map, a final review of the easements will be conducted by a licensed surveyor.

### SUBDIVISION IMPROVEMENTS

Prior to approval of a parcel map or final map, the subdivider must either complete the required improvements, as determined by the Town, or enter into an agreement in which the applicant pays a fee and the Town completes the required work. These may include improvements to storm drainage, sewers, water supply, utilities, water conservation, and right-of-way-landscaping. The design and layout of all required improvements both on-site and off-site, private and public, shall conform to Town of Yountville General Plan, Master Utility Plan, Town ordinances, Town subdivision standards, generally acceptable engineering standards, and to such standards as approved by the Town Engineer.



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Consistent with YMC §13.96.010.E, the project development may maintain the existing aboveground utilities along the site's frontage and would be required to pay the Town's underground utility fees in lieu of any undergrounding requirements. The developer would pay said fee as a condition precedent to the Town's issuance of a building permit for the project in the amount established by the Town Council at the time of payment. As YMC §13.96.010.E states, developers shall pay an in-lieu fee or place the utilities underground; by accepting the aforementioned fee, the Town waives the right to require undergrounding of the existing aboveground utilities along the site's frontage.

In conjunction with the foregoing confirmation and in addition to other community benefits delivered by the project, the applicant desires to assist the Town in its planning and design efforts to provide improved future pedestrian and bicycle access on Yountville Cross Road, including the segment located along the project site's frontage. To that end, the applicant will contribute \$125,000 to the Town for this effort, payment of which shall be a condition precedent to the Town's issuance of a building permit for the project.

**COA 17:** Prior to issuance of a building permit, the applicant shall pay the in-lieu fee in the amount established by the Town Council as well as the \$125,000 to cover future improvements to pedestrian and bicycle access on Yountville Cross Road.

Additionally, to ensure compliance with the Yountville Municipal Code, Public Works, Utility, and Earthwork and Grading Conditions of Approval have been established and are included as **Attachment A**.

### CONCLUSION

The project would subdivide one Single-Family Residential lot into nine lots and construct eight new single-family residences that would include two JADUs. The density and intensity of use is consistent with the General Plan Designation and the project, as conditioned, is consistent with the relevant goals, objectives, policies, and actions.

The project use and lot sizes are consistent with the zoning district and, as such, the site is physically suitable to accommodate the proposed development. The site does not contain special status species, nor does it have sensitive habitats or any habitat value for endangered, rare, or threatened species and therefore will not result in environmental impacts to special status species or habitats that support such species.

The subdivision's internal circulation network would accommodate access for both emergency service vehicles and waste removal vehicles. The final plans are subject to ministerial review by the Town of Yountville Building Department for compliance with the uniform building standards including the California Building Code and the California Fire Code which protect the public from unsafe structures. Additionally, the project has been conditioned by the Napa County Fire Marshal to ensure compliance with the uniformly applied regulations in the Fire Code. As such, the project would not result in adverse impacts due to public health and safety. Further, neither the design nor the improvements proposed for the development of the project would conflict with easements acquired by the public at large for the access through, or use of, property within the subdivision and the project complies with YMC Title 16 Subdivisions.



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As conditioned, the project complies with the regulations and objective design and development standards in Title 16 Subdivisions and Title 17 Zoning of the Yountville Municipal Code except where one Density Bonus Concession and five Density Bonus Waivers, two waivers as allowed by §17.40.020, and two Master Plan Deviations has been applied. The project has been deemed in compliance with applicable standards by operation of law under the Housing Accountability Act. Therefore, the project complies with the Yountville Municipal Code.

## ENVIRONMENTAL REVIEW

The project is eligible for an exemption from the California Environmental Quality Act under CEQA Guidelines §15332 Infill Development Projects because the project site is less than five acres and is substantially surrounded by existing development. The site is already developed with residential uses and is well served by existing utilities and public services. The subdivision would add new units on legally sized lots at an allowable density. As conditioned and by operation of law under the Housing Accountability Act, the project is consistent with the Town's General Plan and complies with the regulations in Title 16 Subdivisions and Title 17 Zoning of the Yountville Municipal Code. The biological report concluded that the site has no value as sensitive habitat or to support rare or endangered species and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. All work performed on the historic structure including relocation shall be done in compliance with the Secretary of Interior Standards for the Treatment of Historic Properties and pursuant to the Historic Preservation Relocation Plan. As such, there are no applicable exceptions to the exemption and the project can be found exempt as a Class 32 Infill Development Project. **(Attachment J: CEQA Memo)**

## STRATEGIC PLAN GOAL

By participating in development review, the Town ensures new developments comply with Municipal Code requirements, helping maintain the Town's quality of life.

## RECOMMENDATION

Receive staff report and direct questions to staff.

Receive the Applicant's presentation.

Conduct public hearing and receive testimony.

Conduct ZDRB discussion on project entitlements.

Motion and second to adopt a resolution recommending that the Town Council approve Major Subdivision Tentative Map, Master Development Plan with Deviations, one Density Bonus Concession and five Density Bonus waivers, Design Review and Design Review Waivers, Tree Removal, and Fence Extension Request along with the recommended conditions of approval and finding the CEQA exemption determination acceptable.



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### ATTACHMENTS

- A. Public Works, Utility, and Earthwork and Grading Conditions of Approval
- B. Oak and Vine Development Project Plans, March 4, 2024
- C. Additional Support for Requested Density Bonus Concession, December 4, 2023
- D. Tree Inventory Report prepared by Horticultural Associates, June 24, 2023
- E. Historic Resource Memo prepared by Architectural Resources Group, October 13, 2023
- F. Historic Preservation Relocation Plan by Architectural Resources Group, July 25, 2023
- G. Geotechnical Investigation prepared by PJC & Associates, Inc., dated March 6, 2023
- H. Design Review Analysis prepared by M-Group
- I. General Plan Analysis prepared by M-Group
- J. CEQA Memo prepared by M-Group, Inc. on March 7, 2024