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***ELECTRONICALLY DELIVERED VIA EMAIL***

Town of Yountville  
6550 Yount Street  
Yountville, CA 94559

Re: Town Council hearing on Oak + Vine Housing Project  
1980 Yountville Cross Road, Yountville

Dear Honorable Mayor Mohler and Councilmembers,

As you know, our law firm represents Crossroads Circle LLC, the Project applicant and developer of the above-referenced infill, mixed-income housing development project (the "Project") at 1980 Yountville Cross Road. We submit this letter to outline revisions to the Project that our client has made to address the Council's comments at the June 4, 2024, hearing.

History of Project Submittals

As a threshold matter, the applicant has made significant efforts to address design comments and concerns from the public, Town staff, the ZDRB, and the Council during the application process. Even before submitting the Project application, the developer team met with neighbors about the project and its design. The applicant incorporated the direction it received from neighbors before submitting the initial Project application on March 30, 2023. Thereafter, the Project underwent five significant design changes at the request of Town staff which had substantial cost implications to the applicant. Following months of work with Town staff and consultants, Town staff deemed the Project application complete on December 6, 2023, and the Project was deemed consistent with the Town's objective development standards on January 5, 2024. Since that time, Town Planning staff have verified the Project's consistency with the Town's objective development standards and policies multiple times.

Notwithstanding the Project's consistency with the Town's objective development standards, the Zoning and Design Review Board ("ZDRB") requested that the applicant make additional design changes to the Project, in particular to Lots 4 and 5, over the course of two public hearings. While these additional design changes resulted in additional delay and increased expense to the applicant, the ZDRB unanimously approved the project. Throughout the more than 15-month long process to address the various concerns of the community, Town staff, and the ZDRB, the applicant was optimistic that the Project would meet with great support after this thorough vetting process. However, as you know, the Council requested additional design changes for

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the Project at its June 4, 2024 hearing, the third public hearing for the Project, and again creating significant delay and expense to the applicant.

The July 16, 2024 Town Council hearing will be the fourth public hearing on the Project. Although the Council's requested design changes are not required by the Town's General Plan or Municipal Code, and the Town's ability to require design changes based on subjective criteria is constrained by the Housing Accountability Act, the applicant continues to make great efforts to provide a project that the Council supports by redesigning portions of the Project.

Project Redesign

The Town Council's direction on June 4 sought: (1) a redesign of Lots 4 and 5 to reduce the proximity of the home's second story to the second story units located on the property to the north; (2) covered parking for the affordable units on Lot 1; and (3) removal of the entry vehicle gate. The applicant intends to address the Council's direction as detailed below.

1. *The Project has redesigned Lots 4 and 5 to increase the distance of each home's second story relative to the second story units located on the property to the north.*

The Project architect will attend the Council to discuss specific changes in greater detail. But, as a threshold matter, the feasibility of the project demands that the homes retain the same square footage and open space features, including retaining heritage trees. To that end, the Project could not feasibly reduce the height of the Lot 4 and 5 homes to single-story homes. However, the applicant has made considerable changes to each home's second floor design.

*Lot 4:* Most notably, the redesign shifts the second floor 19 feet to the south so it is located over the garage—increasing the side setback of the second story from 5 feet to 24 feet. The second floor bedroom is now offset from the rear of the garage 3.5 feet to avoid the tree as much as possible. The second floor area cantilevers out over the driveway 2.5 feet and then another foot at the bay windows. To provide a nice shadow line over the garage doors, the redesign increases the sides of the garage doors by 2.5 feet. In addition, there will be a window on the front facade that is above the front door and faces the upper landing of the stair to let in lots of natural light.

*Lot 5:* While not as significant as Lot 4, the redesign shifts the second floor to increase the setback of the second story from 5 feet to 8 feet. This creates a step-back for the second floor area—reducing the massing as seen from the property to the north. The redesign does not change the first floor layout which maintains the same 5 feet setback. With the second floor step-back, the applicant reduced the height of the roof approximately one foot and the size of the sliding doors as depicted on the eastern elevation. The south elevation remains unchanged, while the north elevation depicts the greatest changes with the second floor clearly stepped-

back with the lower roof extending the full length of the home. The windows continue to be obscure glass.

As noted above, the applicant considered redesigning the homes on Lots 4 and 5 to be one-story homes. A one-story design for Lot 4 would require either (i) a Variance to encroach into the front setback by approximately 15 feet, which would reduce the front yard open space and result in a unharmonious design compared to the other Project homes, or (ii) the removal of two mature trees, one of which is a significant Heritage Tree (Valley Oak). An encroachment into the front setback would impede the stormwater detention basins and the well shed, which would require relocating the well and a redesign/relocation of the stormwater drainage basins, which may not be possible.

A single story home on Lot 5 is considerably more complicated because of the slope or grade changes. In order to accommodate a one-story design, the Project would need a Variance to encroach into the rear setback. More importantly, the developer would need to do significant grading work in order to level the lot. This would require the import of soil and the removal of a Heritage Tree (Coastal Live Oak). The changes to the lot grade and additional soil imports would impact the integrity of the surrounding mature trees that currently act as a natural visual screening buffer between the Project and the Crossroads Condominiums.

The design team has proposed a solution that we believe responds to the Council's concerns regarding the second floor setbacks for Lots 4 and 5, that would preserve the mature trees, and still provide a high quality single-family home project that will be attractive to families without the need for Variances from the Yountville Municipal Code Objective Design Standards.

2. *The Project now includes covered parking for two spaces for the affordable housing units on Lot 1.*

For reference, please review page 1 of "Attachment A Revised Plans" in the Council's hearing packet. As a reminder, Lot 1 included the relocated historic single-family, two-story farmhouse which would be deed-restricted as affordable to low income households. While the applicant had to remove the second affordable unit on Lot 1 due to the structural stability of the existing (old, but not historic) cottage proposed for such adaptive reuse, the applicant has been able to add a covered side-by-side screened carport for two cars in a similar parking layout to the market-rate homes. In other words, the redesign is creating covered parking for two cars, instead of just one.

While covered parking is not a requirement of the Yountville Code (YMC Section 17.116.020.F.I(e)), the applicant wants to be responsive to the Council's direction on the provision of similar amenities to the market rate units. To accommodate the carport, and to better align the structures on Lot 1 with the balance of the Project site, the redesign moves the farmhouse to the east, closer to the street. This minor shift to the south showcases the

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farmhouse porch and maintains symmetry on the lot. It also allows for more flexibility for the Project to locate any future transformer outside of the front setback.

We believe this Project revision accommodates the Council's request to provide covered parking for the affordable units.

3. *The entry gate is an important security and safety feature for the Project, and is significantly less intrusive than many other gates that exist throughout the Town.*

After careful consideration, the applicant respectfully requests that the Council reconsider its direction to remove the electrically-powered vehicle gate. The gate is intended to impede unauthorized vehicles from entering and parking on the private road, but there are safety reasons to have the gate too. Based on recent conversations with a prospective buyer with children, the gate will help protect their children from running out to the street to chase a loose-ball running down the hill to Yountville Cross Road.

For a better perspective of the proposed gate, we note that the vehicle gate is only 3 feet high, maintains visibility through the property, and is set back 50 feet from Yountville Cross Road. In addition, the gate does not restrict pedestrian-access; the Project will have unobstructed pedestrian access to the site. Certain members of the public have suggested that the Town does not have entry gates and to approve otherwise would be inconsistent with the Town's character. While this is clearly a subjective determination that state housing laws (e.g., the Housing Accountability Act) intend to deter, this is not an accurate statement as there are many vehicle gates throughout the Town.

We also understand that anyone may construct a three-foot tall manual gate or fence in the front setback without the Town's discretionary design review. If this is true and the Town prohibits the applicant from doing the same, there are constitutional law implications. Specifically, by treating the applicant differently from other landowners, the Town may be in violation of the Due Process, Takings, and Equal Protection Clauses of the U.S. and California Constitutions. In most cases where government treats citizens differently, courts *will* allow the unequal treatment, provided that there is a "rational basis" behind the government's decision. However, unless the Town advances an actual reason as to why the applicant should be treated differently than its neighbors, it appears that the Town would be engaging in arbitrary decision-making in violation of the Constitution. (See generally *Ross v City of Yorba Linda* (1991) 1 Cal.App 4th 954.)

### Conclusion

We appreciate the Council's consideration of these Project design changes and request to keep the entry gate. As noted above, this is one of many rounds of design changes that the Project has had to go through over the last 16 months and our client very much hopes it is the last. Certainly, the public process is incredibly important and these meetings have been helpful for all

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parties, but we note for future housing projects that it increases the time and financial feasibility of bringing new housing units (including affordable housing) to the Town. Notwithstanding the foregoing, we are indeed proud of this well-designed project that complies with the objective design standards of the Town's General Plan and Municipal Code, and we look forward to seeing the Council tomorrow to discuss it further.

Very truly yours,



Jeff Dodd



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