



## Staff Reports Details (With Text)

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**Title:** Modrall Subdivision II

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**Attachments:** 1. ATCH 1 - Resolution with Exhibit A, 2. ATCH 2 - Modrall Subdivision Negative Declaration R2008 14, 3. ATCH 3 - PC Report & Minutes, 4. ATCH 4 - Project Plans

Date	Ver.	Action By	Action	Result
5/4/2021	1	CITY COUNCIL OF THE CITY OF NAPA	adopted	Pass

**To:** Honorable Mayor and Members of City Council

**From:** Vincent Smith, Community Development Director

**Prepared By:** Michael Allen, Senior Planner

### **TITLE:**

Modrall Subdivision II

### **RECOMMENDED ACTION:**

Adopt a resolution approving a Use Permit, Design Review Permit and Tentative Subdivision Map to subdivide a 5.53-acre project site into 6 residential lots, generally located at the eastern terminus of Cayetano Drive and the northern terminus of Molina Street, and determining that the actions authorized by this resolution were adequately analyzed by a previous CEQA action.

### **DISCUSSION:**

#### PROJECT DESCRIPTION

The Applicants, Ron and Susan Modrall, request approval of a Use Permit, Design Review Permit and Tentative Subdivision Map for the subdivision of a 5.53-acre parcel into six single family residential lots. The existing home would remain on one of the six new parcels. The new subdivision proposes to access the subdivision, as well as the existing home, from the driveway that extends from Cayetano Drive (which becomes Los Robles Drive) with through access to Molina Street.

Required project approvals include:

- 1) Use Permit for increased density under the Hillside Overlay (HS) district regulations; and
- 2) Design Review Permit for the design of the subdivision; and

- 3) Tentative Subdivision Map to divide the 5.53 acre property into 6 residential lots.

## BACKGROUND

This subdivision was originally approved on January 8, 2008 with an initial expiration date of January 8, 2010. The project was given four extensions through State mandate, including Government Code Section 66452.21 to January 8, 2011, Government Code Section 66452.22 to January 8, 2013, Government Code Section 66452.23 to January 8, 2015 and Government Code Section 66452.24 to January 8, 2017. A local two-year extension was approved in June of 2017 extending the life of the Tentative Map to January 8, 2019.

In May 2018, an application for a second Tentative Map Extension was submitted along with a Minor Modification application proposal to realign the road and driveway configurations. It was anticipated that approval of the Final Map would have been completed more than a year ago rendering another extension unnecessary. Therefore, the extension application was essentially left open with the understanding that work on the improvement plans was underway and a Final Map would have been submitted. However, the improvement plans have been delayed by the Developer who has been focusing on the recently finalized Los Robles Subdivision Map (PL04-0259) because they are coordinating the construction of both subdivisions.

The Tentative Map subsequently expired and the Applicant was required to submit a new application pursuant to Government Code Section 66452.6. Therefore, Staff is re-processing the Modrall Tentative Map application which, with the exception of an improved road/driveway connection to the private driveway from Los Robles Drive, is the same as the previously approved project. The development of this project, along with the adjacent Los Robles Subdivision, has been gradually moving ahead and pending re-approval of the Modrall Subdivision, submission of the Final Map is anticipated to occur later this year.

## ANALYSIS

### GENERAL PLAN

The property is located within POD SFR-183, Single Family Residential, which provides for detached single family homes at a density of 2 to 5 units per acre. Typically, this would provide for a density range of 11 to 27 units for the 5.5 acre property. However, the site is within the Hillside District (HS) which contains its own density limits that supersede the General Plan density (see Hillside discussion below). As the project site contains areas of significant slopes, a slope analysis was required and is included with the Tentative Map. The analysis determined the actual density range for the project site to be 4 to 9 units. The proposal for 6 units is appropriate given this analysis. The Housing Element has policies that encourage the efficient use of land and making efforts to approve well designed projects in the mid to high range of general plan densities. This project appears consistent with this policy. Additional policies in the Land Use Element encourage projects to be compatible with the surrounding neighborhood. Staff believes the proposed single-family use, lot sizes, and density are unique from that of the existing residential neighborhoods to the south. However, the topography of the project site is drastically different from the neighboring subdivisions. The design is respectful of the natural environment and terrain and is consistent with the Hillside District development policy.

## ZONING

The project site is within the RS-20: HS, Single Family Residential: Hillside Overlay District which allows for detached single-family residential development (See Exhibit "B"). The proposed lots all exceed the 20,000 square foot minimum of the RS-20 District. The RS-20 zoning district requires front and rear setbacks of 30 feet and side setbacks of 10 feet, (15 feet for second story elements). The proposed lots provide building envelopes that comply with the required setback and yard requirements of the RS-20 District. For more detailed discussion regarding the Project's consistency with the RS-20 development standards, please see the Planning Commission report (Attachment 3).

## HILLSIDE OVERLAY DISTRICT

The Hillside Overlay District sets forth special regulations for development on hillside lots, including additional limitations on density based upon slope, alternative development standards, and Hillside Development Guidelines.

**Use Permit for Increased Density:** The Hillside Overlay allows one dwelling per existing parcel and provides for additional density through Use Permit approval. The Applicant has requested a Use Permit to increase the density pursuant to NMC Section 17.40.030.C. The factors for evaluating the request for a Use Permit for increased density include most of the criteria in the Hillside Development Guidelines, which are addressed below. Additionally, density is restricted based upon the slope of the property. Property having a slope of less than 15% is assigned the General Plan density (2 - 5 units per acre), property having a slope of 15 to 30% is assigned a density of one unit per acre, and property having a slope greater than 30% unsuitable for development. Based upon these requirements, the property would be allowed 4 to 9 units total with a Use Permit, which conformed to the slope analysis discussed earlier.

**Alternative Development Standards:** In order to minimize the impacts of hillside development, the :HS regulations have Alternative Development Standards which allow reduced setbacks and yards, and which establish a 24-foot maximum building height from existing natural grade. The home sites have been designed to conform to the natural grade to minimize grading. No alternative development standards are required as the project was carefully designed to minimize impacts to the site's natural environment.

**Hillside Development Guidelines:** Staff has analyzed the project for compliance with the Hillside Design Guidelines. The following analysis pertains to those sections which Staff believes are most applicable to the project:

**Guidelines:** Minimize grading.

**Project:** The project effectively minimizes grading by locating the access road and house development in areas with the lowest slopes and avoiding the steeper slopes to the extent feasible. All future dwellings will use a down-slope design that follows the contours of the site, thereby reducing the need for more extensive grading. The cul-de-sac has been modified from earlier designs and has been extended in order to minimize grading across the wide part of the road.

**Guidelines:** Minimize disturbance of significant natural vegetation.

**Project:** A Tree Preservation Report dated October 19, 2007 was prepared by Arborist Ed Brennan. The Report noted 75 trees on the property including Coast Live Oak, Valley Oak, California Buckeye,

Aleppo Pine and Almond. Thirty-seven of the 75 trees meet the criteria contained in the Protected Native Tree Ordinance. The project will require the removal of 23 trees where they conflict with construction. Of these 23 anticipated trees to be removed, 8 meet the City's definition of protected native trees and are subject to the mitigation requirements set forth in the City Code. Compliance with the Tree Preservation Guidelines set forth in the Tree Preservation Report for the 52 trees that will be preserved, along with implementation of replacement requirements for protected native trees set forth in the Napa Municipal Code, would reduce impacts to a level of insignificance. A Tree Protection Plan for the existing trees to be retained is included in the arborist report. Compliance with the measures in the Tree Protection Plan during development activities are required in the conditions of approval of the draft resolution and will reduce potential impacts to the remaining trees. A condition is also recommended that for each six inches or fraction thereof (of a protected native tree's trunk diameter) that is removed, two 15-gallon size (or larger) trees of the same species as the protected native tree (or any other species with approval) shall be planted on the project site.

Guidelines: Buildings should use a foundation type which will minimize cut and fill and which harmonizes with the natural form of the site.

Project: The future proposed foundation systems and any retaining walls will be reviewed to reduce visible cut and fill slopes to the greatest extent feasible when house plans are submitted for Administrative Design Review approvals.

Guidelines: Roof lines which approximate the slope of the hillside are encouraged.

Project: When future house plans are submitted for Administrative Design Review approvals, the roof lines will be analyzed to determine compatibility with this design guideline criteria.

Guidelines: The form of the buildings should blend well with the established neighborhood character if evident.

Project: There are a limited number of existing custom homes in the immediate area. The terrain of the established neighborhoods to the south is significantly different than that of the project site. The building footprints of five newly proposed lots have been designed to respond to the terrain of the site to allow future homes to blend in with the site's natural environment. The future homes will have a negligible visual impact to the existing neighborhood as they will be on the opposite slope of the ridge from the neighborhood.

## SUBDIVISION DESIGN REVIEW

The Modrall Subdivision consists of 6 detached single family residential lots, the largest of which will contain the existing home. All new homes are oriented to a new private modified cul-de-sac that will complete the terminus of Molina Street which currently is unfinished (dead end). The new private cul-de-sac, along with the improved private driveway improvements which will connect with Cayetano Drive/Los Robles Drive are designed consistent with City standards. The new driveway also provides fire truck access from Cayetano Drive to Molina Street. This new access loop has been endorsed by the Fire Prevention Division. Staff believes that the general design of the subdivision is the most appropriate for the size and shape of the property, its relation to the site topography, and the preservation of the majority of the existing trees.

## PLANNING COMMISSION MEETING

The Planning Commission held a public hearing on March 18, 2022. The Commission heard a report from Staff, followed by a presentation by the Applicant's representative. There were no speakers during public comment.

Staff explained that in May of 2018, the Applicant had submitted a Staff level Minor Modification application to realign the private driveway to coordinate the construction of this project with another subdivision (Los Robles Subdivision; PL04-0259) which also uses Cayetano Drive. An application for a Tentative Map Extension was also timely submitted. Because it was believed the Modrall Tentative Map would have been completed/finaled prior to its expiration, Staff did not actively process the Tentative Map Extension. Subsequently, the Tentative Map expired before Staff had scheduled the extension for a public hearing. It was Staff's misunderstanding regarding the timing that a Tentative Map expires once an extension is timely filed that caused the map to expire. For this reason, the Applicant is not being charged for this new subdivision application. The Commission discussed the project and began deliberation. Commissioner Huether recounted that he was on the Commission when the project was originally approved. Questions raised by the Commission included if any changes to the Hillside Overlay or other development requirements have happened since the project's original approval. Staff explained that only Stormwater requirements have changed but these changes are captured at the improvement plan review stage.

The Commission also asked if there was anything about the project's layout that would preclude the inclusion of ADU's. Staff explained there is nothing that would preclude future ADU's. The Planning Commission discussed the architecture of the original house plans that were approved in 2008. They believe the home designs are dated and not something that they would approve today. Staff explained that house plans are not required with subdivisions within the Hillside Overlay pursuant to NMC Section 17.62.050(C)(1). Per the Hillside Overlay Ordinance, house plans can be processed administratively once the subdivision has been finaled and the individual lots become legal. The Commission indicated they prefer to recommend approval of the Tentative Map but not the house plans. They asked the Applicant's representative, Mr. Thomas Hodge, if he was amicable to the denial of the house plans. Mr. Hodge agreed the previously approved house plans were dated, indicated that they preferred to submit custom home plans for administrative approval later and then withdrew his request for approval of a design review permit for the house plans. Therefore, because the Applicant is not required to submit house plans with a design review permit application for a subdivision in the Hillside Overlay, and the Applicant has withdrawn his request for a design review permit for the house plans, Ca condition has been added to the resolution requiring Administrative Design Review approval for subsequent house plans.

At the conclusion of the hearing, the Planning Commission forwarded a recommendation to the City Council to adopt a resolution approving the Modrall Tentative Subdivision Map, Use Permit and Design Review of the Tentative Map and determining that the potential environmental effects of the project have been adequately analyzed and addressed by a previous CEQA action by a vote of 4-0 (Oñate absent).

#### **FINANCIAL IMPACTS:**

No direct financial impacts to the General Fund have been identified with this application.

#### **CEQA:**

City staff recommends that the City Council determine that the potential environmental effects of the Project were adequately analyzed by the Mitigated Negative Declaration that was adopted on

January 8, 2008 in conjunction with the approval of the Modrall Tentative Subdivision Map by Resolution R2008 14, pursuant to CEQA Guidelines Section 15162.

**DOCUMENTS ATTACHED:**

ATCH 1 - Draft Resolution approving a Use Permit, Design Review Permit and Tentative Subdivision Map  
EX A - Napa Sanitation letter dated February 06, 2019  
ATCH 2 - Modrall Subdivision Negative Declaration R2008 14  
ATCH 3 - Planning Commission Staff Report (attachments removed to avoid duplication) and minutes excerpts  
ATCH 4 - Project Plans

**NOTIFICATION:**

Notice of the scheduled public hearing was provided on April 22, 2021 by US Postal Service to all property owners within a 500-foot radius of the subject property. Notice of the public hearing was also published in the Napa Valley Register on April 23, 2021 and provided to people previously requesting notice on the matter at the same time notice was provided to the newspaper for publication. The Applicant was also provided a copy of this report and the associated attachments in advance of the public hearing on the project.