



Staff Reports

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File #: 295-2021, Version: 1

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To: Honorable Mayor and Members of City Council  
From: Vincent Smith, Community Development Director  
Prepared By: Steven Rosen, Associate Planner

**TITLE:**  
Western Meadows Subdivision -A 12-lot Single-Family Subdivision

**RECOMMENDED ACTION:**

- (1) Adopt a resolution adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the Western Meadows Subdivision.
- (2) Adopt a resolution approving a Design Review Permit, Use Permit, and Tentative Subdivision Map for the Western Meadows Subdivision, a subdivision of a 7.56-acre project site into 12 single-family lots, located on the north side of an existing private driveway extending east from the north end of Borrette Lane .

**DISCUSSION:**  
PROJECT DESCRIPTION

The Applicant, Borrette Lane Estates LLC, requests approval to subdivide the 7.56-acre property at 1044 Borrette Lane into 12 residential lots. A new cul-de-sac extending from Borrette Lane will provide access to the lots. Lot sizes will range from 20,003 square feet to 72,393 square feet with a project density of 1.59 units an acre.

The project approvals requested as a part of this application include:

1. Design Review Permit authorizing the building designs and subdivision map layout including the street and sidewalks; and
2. Use Permit authorizing the use of the Flag Lot standards on Lots 1, 2, 3, 11, and 12; and
3. Tentative Map to subdivide the property into 12 single family lots.

Five different one-story house plans with two different exterior styles-a total of ten different “looks”-are proposed. The five plans are 4,344 square feet, 3,916 square feet, 3,642 square feet, 3,620 square feet, 2,953 square feet, and 3,800 square feet in size, excluding their garages. All the dwellings will have three bedrooms. Two sites will have attached accessory dwelling units (ADUs), and two will have junior ADUs (JADUs).

The proposed 863-foot-long street serves the 12 proposed lots and two existing lots developed with one house each. The new cul-de-sac would access Borrette Lane, a public street, via an easement across a neighboring parcel. The street would be 24 feet wide and have a sidewalk four feet wide with a four-foot wide landscape strip on one side for its whole length. Three lots would access the new street via a driveway approximately 328 feet in length. Three lots would access the new street via a driveway approximately 331 feet in length.

## CONTEXT

The 7.56-acre project site is located on the north side of an existing private driveway extending east from the north end of Borrette Lane. The project site is 275 feet from the Rural/Urban Limit at its closest approach and is adjacent to a developed single-family subdivision on its east and north sides, large-lot single-family houses on the south side, and a small vineyard and winery on the west and north sides. On the southern boundary of the parcel is Llama Creek. The site is located within a residentially zoned area containing all necessary utilities. The project site is separated from the nearest public road, Borrette Lane, by a private property across which the current parcel has an access easement.

The parcel ranges in elevation between 255 feet in the north and 200 feet in the southeast and is situated on a south-facing slope. Browns Valley Creek, located 640 feet south of the site, flows from northwest to southeast. Several wetlands and seeps occur on the northern portion of the property. On the southern boundary of the parcel is Llama Creek, a tributary to Browns Valley Creek, which is identified as a blue line creek on the topographic map. A reservoir is located upstream on the tributary, approximately 3,465 feet away.

Three vegetation communities, comprising four wildlife habitat types, occur within the entire study area. The vegetation communities are Phalaris aquatica Semi-Natural Herbaceous Stands or Harding grass swards, which is a non-native grassland type; potential seasonal wetland associated with the drainage ditch in the north; and Umbellularia californica Forest Alliance or California bay Riparian Forest that occurs along the Llama Creek.

The project would be accessed via a public right of way easement across a neighboring parcel. The project is conditioned to require the Applicant to acquire from the neighboring property owner and dedicate to the City a 56' public right of way. In the event the Applicant is unable to acquire the easement prior to approval of the final map, the Applicant would be required to enter into an agreement with the City pursuant to Government Code Section 66462.5(c) pursuant to which the City would acquire a public right of way from the neighboring property owner at the Applicant's expense. After the City acquired the public right of way interest, the Applicant would be required to construct the off-site public roadway improvements. The on-site portion of Meadow Court would be a private street.

## GENERAL PLAN

The property is located within the SFR-40; Single Family Residential General Plan designation, which provides for single-family residential development at densities from 0 to 2 units per acre. At this density range, the 7.56-acre site could be developed with 1 to 15 units. The 12 lot subdivision results

in a density of 1.59 units per acre, which is consistent with the density range of this Designation. The project is also consistent with several policies and principles of the General Plan, including policies that encourage the creative and efficient use of vacant land along with providing an increased mix of various types of housing throughout the City to meet the community's housing needs.

The General Plan directs the City to encourage the efficient use of land and approve well-designed projects in the mid- to high-range of the General Plan density. This project is above the mid-point of allowed density. The General Plan also encourages projects to be compatible with the surrounding neighborhood. This project is transitional between its adjacent neighbors; it is half as dense as development to the east and twice as dense as development to the west. It would result in one-story houses, like the surrounding houses. The General Plan directs the City to provide for extension and improvement of the City's roadway system to ensure the safe and efficient movement of people and goods. This project would result in a cul-de-sac at the edge or the Rural/Urban Limit line, building permanence into that boundary.

## ZONING

The project site is located within the Single-Family Residential (RS-20) district. The RS district implements the single-family residential category of the General Plan and applies to areas intended to develop into a single-family detached unit pattern. RS areas typically include custom home subdivisions on hillsides or constrained sites, and post war tract subdivisions, which usually have uniform platting patterns, setbacks and building types. This district provides opportunities for low density detached single-family homes. The RS-20 Zoning District provides for residential development with a minimum lot size of 20,000 square feet. The subdivision proposes lot sizes that range from 20,003 square feet (0.46 acres) to 72,393 square feet (1.66 acres). All the proposed lots in the subdivision are consistent with and meet or exceed the minimum lot size requirement for the RS-20 Zoning designation, and the proposed dwellings comply with the RS-20 property development standards.

Five of the parcels would be flag lots. The design of the flag lot parcels conforms to the flag lot requirements. The flag lots provide the required additional off-street parking including forward entry to the street. Also, the required lot orientation and the RS-20 side yard requirements exceed those for setback distances from access drives.

## SUBDIVISION DESIGN REVIEW

NMC Section 17.62.050 requires design review by the Planning Commission and City Council for Tentative Subdivision Maps. The Guidelines describe Evolving Infill Areas as being characterized by a mix of older houses, established landscape and scattered contemporary housing. In these areas, development should fit into the community by incorporating historic and natural features with an emphasis on pedestrian-friendly design. The project conforms to the applicable Guidelines by creating a sense of place, establishing connections to the city, creating residential streets, developing unifying and defining streetscape, using block sizes and lot patterns that support a pedestrian-friendly neighborhood, concealing parking, integrating natural features, and visually connecting houses on flag lots to the street.

## ARCHITECTURAL DESIGN REVIEW

Chapter 17.52.050 of the Zoning Ordinance requires the submittal of house designs in conjunction with design review of the subdivision. Consistent with this requirement, the Applicant has submitted plans for five different houses with two different façade styles, resulting in ten possible different “looks” on twelve lots. The applicant has determined which floorplan will be placed on each lot and proposes delaying selection of the exterior style of each house until applying for building permits, which the selection based on the market or the wishes of prospective buyers. For a more detailed design review discussion, see the Planning Commission report (Attachment 4).

The Planning Commission reviewed the project for consistency with the City’s Residential Design Guidelines and found it to be consistent with the Guidelines regarding Site Planning, Massing, and Materials and Color.

## PLANNING COMMISSION MEETING

The Planning Commission considered this application at its hearing on July 1, 2021. It then continued the item to allow the applicant to prepare additional materials. The Planning Commission held a second hearing on August 5, 2021, where it recommended approval of the project.

At the July 1 hearing, the Planning Commission received the staff report, the applicant’s remarks, and public comment.

Public comment included the topics of access through the off-site easement, greenhouse gas and acute air pollutants emitted by construction equipment, habitat impacts, the height of the proposed houses, traffic noise, traffic safety, the size of the subdivision, construction noise, fire hazards, high density, emergency egress from wildfires, and the impacts of vacation rentals. Seven people spoke.

During its deliberation, the Planning Commission discussed the inadequacy of the elevation drawings, the litigation about the easement, the public’s concerns, the housing shortage, its support for the subdivision map, fire hardening the proposed structures, and solar panels.

After its deliberation on the proposal, the Planning Commission continued the hearing to allow the applicant to prepare elevation drawings and renderings of each floor plan in both proposed exterior styles.

At the August 5 hearing, the Planning Commission received the staff report, the applicant’s remarks, and public comment.

Public comment included the topics of the height and sizes of the proposed homes, impacts to property resale prices, the need for affordable housing, wetlands, wildlife, the notion of building homes for profit, air pollution, traffic, construction noise, utility load, water supply, vacation rentals, the lack of benefit to the neighborhood, emergency egress, fire hazard, the litigation over the easement, traffic safety, views from private property, fuel breaks, and the drought.

During its deliberation, the Planning Commission discussed the improvements to the elevation drawings and renderings, the fire risk, impacts to certain trees off-site, visual screening, building

moratoria in other municipalities, and light pollution.

The Planning Commission recommended that the following four conditions of approval be added to the draft resolution:

- The Applicant shall obtain and comply with a tree preservation plan, prepared by a Certified Arborist, for the redwood trees that could be affected by construction on APN 041-700-004.
- The Applicant shall plant screening trees along the boundary with APN 041-311-005.
- The Applicant shall install stop signs at all legs of the intersection of Meadow Court and Borrette Lane.
- Streetlights and exterior lighting shall be fully shielded.

The Planning Commission recommended that the City Council: (1) adopt a resolution adopting a Mitigated Negative Declaration; and (2) adopt a resolution with the four additional conditions outlined above approving a Design Review Permit, Use Permit, and a Tentative Map based on a determination that the application is consistent with the City's General Plan, Subdivision Ordinance, Zoning Ordinance and other applicable City requirements and policies by a vote of 5-0.

#### **FINANCIAL IMPACTS:**

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

#### **CEQA:**

An Initial Study was prepared for the project pursuant to the requirements of the California Environmental Quality Act (CEQA) (see Attachment 4). The Initial Study identified certain impacts resulting from this project and concluded that the impacts were either not significant or identified mitigation measures to reduce the impacts to an insignificant level. Based on the conclusions of the Initial Study, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared. Inclusion of mitigation measures will ensure that the project does not have any adverse impacts on public health, safety and welfare. The posting period of the Mitigated Negative Declaration was May 28, 2021, through June 28, 2021. During the public review period, eight comments were received. These comments can be found in the ATCH 4. Comments are summarized below followed by a Staff response:

1. The Napa Sanitation District noted that connection to the sanitary sewer is unrelated to the project's impact on stormwater pollution.

Staff Response: Connection to the sanitary sewer negates the need for septic tanks and percolation of wastewater. This means that the ground has a greater capacity to absorb stormwater before runoff begins. Therefore, there is a benefit to stormwater quality in connecting to the sanitary sewer system.

2. Mr. Reid stated that the project description was inaccurate:

...For example, page 1 of the Initial Study of Environmental Significance states that the project would subdivide a parcel into 12 new lots and create 12 single-family detached houses and a new street. The new street would “access Borrette Lane, a public street, via an easement across a neighboring parcel.” Furthermore, page 1 of the Habitat Assessment states that “access to the 12-lot subdivision is from the existing private road that serves the two existing homes.” These are references to the easement over our property.

Staff Response: The ownership of the land underlying the street does not affect the analysis of environmental impacts. If approved, the project would be accessed by a new public street via a public right of way over the neighboring property. The public street would be within the boundaries of the existing access easement over the neighboring property.

3. Mr. and Ms. Tempel raised concerns about increased traffic on Borrette Lane and requested stop signs at the intersection of Borrette Lane and Partrick Road unless the number of lots is reduced.

Staff Response: The project design was reviewed by Public Works and stop signs were not determined to be necessary. Transportation impacts under CEQA are assessed in terms of Vehicle Miles Traveled (VMT). The Public Works Department Transportation Planning Staff found that the bike lane improvements required by Mitigation Measure XVII-2, would mitigate the transportation impacts to below the threshold of significance for VMT. Stop signs and traffic safety are outside the scope of the VMT analysis of transportation impacts required by CEQA. It should be noted that the Planning Commission responded to the concerns of the neighbors and recommended inclusion of a condition of approval requiring a four-way stop intersection at Borrette Lane and the proposed new cul-de-sac.

4. Mr. Decius disagreed with the project description and the conclusion that the transportation impacts would be less than significant with mitigation incorporated due to concern about increased traffic resulting from the 12 new homes and associated ADUs and identified safety concerns for existing and new residents.

Staff Response: Accessory Dwelling Units are accessory to the primary use on a property and under State law, are allowed on all residential properties “by right.” The description of the project as “12 single-family residences” is correct. Analysis of transportation impacts is based on Vehicle Miles Traveled (VMT), not Level of Service (LOS) or volume. However, guidance from the Governor’s Office of Planning and Research (OPR) provides that small projects “that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.” The proposed mitigation measure would reduce the number of trips generated by the project to below 110 trips per day, as determined by the City’s Public Works Department. Therefore, the impact is less than significant with mitigation measures incorporated in accordance with OPR’s guidance.

The proposed street and intersection design has been reviewed by the Public Works Department and found to meet the design standards for traffic safety. Therefore, the project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections).

5. John Bryden submitted comments about aesthetics, air quality, biological resources, hazards, hydrology, noise, and findings of significance.

### Comments and Staff Responses, by Topic:

**Aesthetics.** The commenter stated that the aesthetic impacts of the homes would impact property resale prices. Development of single family residences in a single family neighborhood would not have a significant environmental effect on public or private views, and resale prices are not an effect of which CEQA requires study.

**Air Quality.** The comment stated that there would be significant construction-phase air impacts. The Bay Area Air Quality Management District sets screening thresholds, below which projects that incorporate construction-phase Basic Construction Air Pollution Prevention Measures are assumed to have a less-than-significant impact and need no additional study. This project does not exceed the screening threshold for single family projects, which is 325 detached dwellings. The Basic Construction Air Pollution Prevention Measures are incorporated as a mitigation measure for the project. Therefore, the impact is less than significant.

**Biological Resources.** The comment was on the presence of a deer herd. The CEQA Guidelines address special status species and migratory corridors. The study by Wildlife Research Associates concluded that the subdivision would not impede wildlife migration.

**Hazards.** The comment states that the project would result in a significant impact due to wildfire risk. The standard imposed by the CEQA Guidelines is, "Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?" The General Plan's Hazards Map shows that the site is not in the Wildland Urban Interface, and CalFire's "Maps of Fire Hazard Severity Zones in the State Responsibility Area of California" shows that the Site is squarely in a Local Responsibility Area, and that the State Responsibility Areas surrounding Browns Valley are mapped as a Moderate Fire Hazard Severity Zone. The project does not exceed any threshold of significance for fire hazard impacts examined by CEQA and would not require any mitigation. Additionally, the yard area requirements for the RS-20 zone provide for a 30-foot distance between structures and the one property line not adjoining other single-family lots.

**Hydrology.** The comment states that the project would have a significant impact on flooding in the napa River. The Public Works Department reviewed the project and determined that the project would mitigate the new impervious surfaces it introduces through the use of engineered bioretention infrastructure to collect runoff, allow it to percolate, and release excess over a longer period. Low Impact Development measures will be applied to each new structure.

**Noise.** The commenter described existing activities on the site that are not part of the project proposal. It is not relevant to this project.

**Mandatory Findings of Significance.** This comment states that the plans do not show the ADU on Lot 4 that is included in the project description. The comment is not related to any of the three Mandatory Findings of Significance. The ADU is shown on the architectural plans for Lot 4. It is an attached ADU, as are all of the ADUs in the project.

6. The California Department of Fish and Wildlife (CDFW) submitted comments on the Initial Study. CDFW recommended changes to mitigation measures. Staff incorporated these recommendations into the Initial Study/Mitigated Negative Declaration (Attachment 3) and Mitigation

## Monitoring and Reporting Program (Attachment 1).

7. There were two CEQA comments submitted after the Planning Commission staff report was published but before the CEQA comment period ended. Mary Bryden submitted comments about the project description, biological resources, geology and soils, and wildfire safety. Kevin Brooks submitted comments on the project description, aesthetics, air quality, and greenhouse gases.

### Comments and Staff Responses, by Topic:

**Project Description.** The commenters stated that the project plans did not include the ADUs and that the buildings would be used as time-shares. As discussed in the staff report, the plans show the attached accessory dwelling units, and this zone does not allow time-shares.

**Aesthetics.** The commenters state that the large homes would have a detrimental effect on aesthetics because they would be out of character with the neighborhood. As discussed in the staff report on Page 14, Development of single family residences in a single family neighborhood would not have a significant environmental effect on public or private views.

**Air Quality.** The commenters state that construction air pollution should have additional mitigation. As discussed in the staff report on Page 14, the project does not exceed the Bay Area Air Quality District's (BAAQMD) screening thresholds, so projects that incorporate the construction-phase Basic Construction Air Pollution Prevention Measures are deemed to have a less-than-significant impact.

**Biological Resources.** The commenters describe impacts to wildlife (deer) and habitat (wetlands) that they believe would exceed thresholds of significance. As discussed in the staff report on Page 14, the CEQA Guidelines address special status species and migratory corridors. No deer species present in California are listed as a special status species. The study by Wildlife Research Associates concluded that the subdivision would not impede wildlife migration. Impacts to wetlands are mitigated to a less-than-significant level, and the comment does not specify where the analysis or mitigation is lacking.

**Geology and Soils.** The commenters question the geotechnical safety of the site based on the location of fault lines and damage experienced in the area during prior earthquakes. The geotechnical study performed for this project concluded that the proposed development can be built as planned, provided the recommendations presented into the report are incorporated into its design and construction. This is a requirement of all projects, so it does not need to be a mitigation measure.

**Greenhouse Gases.** The commenter asserts that the proposed measures to mitigate greenhouse gas emissions are insufficient. The ISMND uses BAAQMD's analysis and mitigation method to reduce the level of impact to a less-than-significant level. The comment does not find any error in this analysis, but instead asks for greater level of mitigation than is required.

**Wildfire Safety.** The commenter stated that the area is defined as a wildfire risk zone. As discussed in the staff report on Page 14, the project does not exceed any thresholds of significance for wildfire safety or hazards and is not in a mapped wildfire zone of any kind.

### **DOCUMENTS ATTACHED:**

ATCH 1 - Draft Resolution adopting a Mitigated Negative Declaration and a Mitigation Monitoring and

Reporting Program

ATCH 2 - Draft Resolution Approving a Design Review Permit, Use Permit, and Tentative Map

ATCH 3 - August 5, 2021, Planning Commission Minutes, Late Communications, Staff Report, and Supplemental Elevations and Renderings

ATCH 4 - July 1, 2021, Planning Commission Minutes, Late Communications, Staff Report, Initial Study/Mitigated Negative Declaration, and Project Plans

**NOTIFICATION:**

Notice of the scheduled public hearing was provided on August 26, 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 August 27, 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.