



Community Development

September 3, 2020

Garrett Busch, Vice President
Pacific Hospitality Group
2532 Dupont Drive
Irvine, CA 92612

RE: Application PL20-0033 for Trinitas Mixed-Use Time Extension

Dear Mr. Busch:

The Planning Division has reviewed the above referenced application for an Extension for the previously approved Use Permit and Design Review Permit for the Trinitas Mixed-Use Project (Project No. PL16-0054) located at 2650 Napa Valley Corporate Drive which were previously approved by the City Council on July 17, 2018 by Resolution R2018-101. Pursuant to Napa Municipal Code (“NMC”) Section 17.68.130, the Permits may be extended in accordance with NMC Section 17.68.140 if the application for extension is made prior to expiration, and the extension is supported by the findings required for the issuance of the original Permits. Your application was timely submitted, no changes are proposed to the project, and the City regulations and policies applicable to the project have not changed since the time of its original approval. Therefore, the extension of the Permits is supported by the findings made by the City for the original approvals.

Staff has determined that the application is complete and that the potential environmental effects of this project were analyzed in the Trinitas Mixed Use Final Environmental Impact Report, including Draft EIR Volumes 1 through 3 dated January 2018 and Final EIR dated March 2018 (State Clearinghouse No. 2017072005), certified on July 17, 2018, pursuant to California Environmental Quality Act (CEQA) Section 15162.

In addition, the criteria in NMC Section 17.68.140(B)(1) are satisfied because the application merely requests an extension of time and does not propose any changes to the project. Therefore, the extension does not add any new uses, increase the density or enlarge the structures; the extension is consistent with the intent and spirit of the original approval; the extension would not result in any violations of the NMC or state law; and the extension will not create any new significant adverse environmental effects. As such, the Planning Division has approved your application to extend the Permits for the Trinitas Mixed-Use Project, subject to the previously approved Use Permit and Design Review Permit for the Trinitas Mixed-Use Project (Project No.

PL16-0054) have been extended for two years, subject to the previously approved conditions from Resolution R2018-101 and the following additional conditions:

1. This Extension authorizes the Use Permit and Design Review Permit for the Trinitas Mixed-Use Project for two years beyond the original expiration date (July 17, 2020) and shall remain valid until July 17, 2022.
2. The Applicant shall comply with all conditions of the original project approval set forth in City Council Resolution R2018-101, except as amended by this extension approval.
3. This entitlement shall be valid for a period of two years following the expiration of the administrative action appeal period. To avoid expiration of the entitlements, the applicant shall obtain a building permit and have at least one building inspection prior to the expiration date. The applicant may also apply for the discretionary approval of an extension of the entitlements prior to the initial two-year expiration.
4. The applicant shall comply with all requirements of the NapaSan set forth in their attached letter of June 10, 2020.

GENERAL

5. Unless otherwise specifically provided, each condition of this approval shall be satisfied prior to issuance of a building permit, or if a building permit is not required, prior to the commencement of use; however, in the event the subject approval is for a tentative subdivision map or parcel map, each condition shall be satisfied prior to final map approval. Applicant's (and land owner, if different) execution of the City's improvement agreement with required security may be accepted in lieu of condition completion.
6. Applicants shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
7. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved tentative map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.
8. The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

9. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.
10. If the Applicant is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.
11. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
12. Violation of any term, condition, mitigation measure or project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
13. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

This action is subject to all other City requirements. Appeals must be filed prior to 5:00 PM within 10 days of the date of this letter. If you have any questions regarding this action, or need any additional information, please contact me at 707.257.9530 or at srosen@cityofnapa.org.

Sincerely,

Steven Rosen
Associate Planner