

ATTACHMENT 4

RESOLUTION 2020-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE RELOCATION OF TWO LOCAL LANDMARK STRUCTURES AT 731 FIRST STREET AND 718 WATER STREET TO 58 RANDOLPH STREET AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION OR ARE OTHERWISE EXEMPT FROM CEQA.

WHEREAS, on September 13, 2017, JB Leamer ("Applicant"), submitted an application (PL16-0124) to construct a 74-room hotel, consisting of two four-story hotel buildings totaling 122,666 square feet ("Hotel Project") on two lots bisected by the Wine Train railroad at the southeast corner of the intersection of First Street and Soscol Avenue and bounded by First Street, Soscol Avenue, the Napa River, the Water Street right-of-way, and the Napa River APNs 003-235-003, -004, -005, -006, -007, 003-241-003, -006 (the "Hotel Site"); and

WHEREAS, as part of the Hotel Project, the Applicant has requested a certificate of appropriateness pursuant to Napa Municipal Code ("NMC") Chapter 15.52 ("Certificate of Appropriateness") to relocate two structures designated as Local Landmarks (the "Relocation") from 731 First Street and 718 Water Street ("Existing Site"), to 58 Randolph Street (APN 005-095-012) ("Receiving Site"); and

WHEREAS, the Hotel Project was deemed complete on April 24, 2020; and

WHEREAS, pursuant to CEQA Guidelines Section 15164, the City prepared an Initial Study/Addendum for the First and Oxbow Gateway Project dated June 2020 ("Addendum") as an addendum to the Downtown Specific Plan Environmental Impact Report ("DNSP EIR") (SCH#20100042043) certified by the City Council by Resolution No. R2012-54 to analyze the potential environmental effects of the Hotel Project, including the Relocation; and

WHEREAS, the Addendum concluded that none of the conditions described under CEQA Guidelines Section 15162 are present, and accordingly, no subsequent or supplemental environmental impact report or negative declaration is required for the Project under CEQA Guidelines Section 15168; and

WHEREAS, the Cultural Heritage Commission of the City of Napa, State of California, held a noticed public hearing on July 9, 2020 and has recommended approval of the Certificate of Appropriateness; and

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WHEREAS, the City Council has considered all information related to the Certificate of Appropriateness as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

Section 1. The City Council hereby determines that the potential environmental effects of the Hotel Project, including the Relocation, were adequately evaluated and addressed in the EIR as documented in the Addendum, and that none of the conditions described in CEQA Guidelines Section 15162 are present and therefore no subsequent or supplemental environmental impact report or negative declaration is required for the Project pursuant to CEQA Guidelines Section 15168. The City Council also hereby determines that the placement of two Local Landmark structures at the Receiving Site is exempt from review pursuant to CEQA Guidelines Section 15303 (Class 3, which exempts construction and location of limited numbers of new structures, including up to three single family residences in urbanized areas), 15331 (Class 31, which exempts rehabilitation and restoration of historical structures in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties) and Section 15332 (Class 32: Infill Development). The Receiving Site is less than 5 acres and is substantially surrounded by urban uses; the Relocation is consistent with the RT-5 Zoning District, which allows more than one single family home per lot by right, and is consistent with the [TRI-148] General Plan Designation; the Receiving Site has no value as habitat for endangered, rare or threatened species; the Relocation would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the Receiving Site can be adequately served by all required utilities and public services. In addition, the Relocation will preserve the two Local Landmark structures in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

Section 2. The City Council hereby approves the Certificate of Appropriateness and makes the following findings in support thereof:

The project preserves, enhances or restores the exterior architectural features of the local landmark.

Relocating the two structures to the Receiver Site would result in the preservation of their exterior features. As detailed in the Staff Report, the local landmark structures would be relocated with their character-defining features intact to the Receiver Site where these features will be visible from a public right-of-way.

The project will not result in a substantial adverse change to the integrity of the local landmark or its major exterior character-defining features.

The relocation would not entail any change to the integrity of the buildings themselves because no changes are proposed. The historic residences are not part of an identified

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or potential historic district, nor are their settings or sites relevant to their identified significance, so a relocation of the structures from the Hotel Site to the Receiver Site would not adversely impact the integrity of the structures.

The project will not adversely affect the special character or special historic, architectural, or aesthetic interest or value of the local landmark.

As discussed above, relocating the structures in lieu of demolishing them would preserve these features, and their placement on the Receiver Site would not affect their special interest or value.

The project is consistent with the applicable Secretary of the Interior's Standards.

The Relocation is consistent with the Secretary of the Interior's Standards for the Preservation of Historic Properties in that the Local Landmark structures would be used as they were historically, their character would be maintained and recognized as a physical record of their time, their distinctive features would be preserved, and the Relocation will not alter the historic integrity of the structures because all of the character-defining features of the buildings would remain intact and their present sites and setting are not part of their identified significance, as discussed in the Staff Report.

The project is consistent with applicable historic design guidelines.

None of these guidelines apply to the relocation of these structures from their current location because the guidelines only address changes to structures' character-defining features. No changes to the structures are proposed, and all of their character-defining features would be kept. The Hotel Site is not in a Local Landmark District or potential Local Landmark District, so the removal of the buildings from the Hotel Site would not impact protected cultural resources.

The project will not negatively impact the integrity of a cultural landscape through alteration of spatial organization, landscape features, circulation patterns, or small-scale features that are character defining features of the resource.

The project would not negatively impact the integrity of a cultural landscape. The immediate area of the Hotel Site has been drastically changed by the Napa River Flood Project beginning in 2004. Therefore, the structures to be relocated do not fit into any pattern of development that would be recognizable to people living in the period in which the structures were built.

Section 3. The City Council's approval of the Certificate of Appropriateness is subject to the following conditions:

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1. This Certificate of Appropriateness authorizes the relocation of the Local Landmark at 731 First Street and the Local Landmark at 718 Water Street to 58 Randolph Street as described in the report titled "718 Water Street & 731 First Street, Napa, Relocation Project Evaluation" prepared by Mark Hulbert of Preservation Architecture and shown on plans prepared by RSA+ dated 09/19/18.
2. All project conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of Building Permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements of the Certificate of Appropriateness.
4. All existing historic materials and design features, including roof forms, siding, window openings, porches, and additions, shall be retained. In the event that any of these features are damaged in the process of relocating the structures to the Receiving Site, the Applicant shall repair and restore the features in accordance with the Secretary of the Interior's Standards for Rehabilitation. Repairs to anticipated damage shall be shown on the Building Permit plans.
5. The plans submitted for each Building Permit shall include building elevations that provide a level of architectural detail adequate to determine that the character-defining architectural features of each Local Landmark structure are being retained. The exterior treatment of each building elevation shall be consistent in form and materials and provide an overall coherent design for the entire building.
6. The Applicant shall provide on-site parking for the relocated structures consistent with the standards of NMC Chapter 17.54. The design and location of the required on-site parking shall be subject to the approval of the Planning Division.
7. Prior to issuance of a Building Permit, the Applicant shall pay all applicable fees at the rates in effect at the time of payment for the Relocation.
8. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start-up of machines or equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials or equipment prior to 7:30 a.m. or equipment past 6:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.

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9. The Applicant shall comply with all mitigation measures from the Downtown Napa Specific Plan Environmental Impact Report Mitigation Monitoring and Reporting Program attached hereto and incorporated herein as Exhibit "A" that are applicable to the Relocation as determined by the Community Development Director.
10. Prior to issuance of a building permit, the Applicant shall provide written clearance from the Engineering Division of the Napa Sanitation District confirming that the Applicant has complied with all Napa Sanitation District requirements applicable to the Project. The Napa Sanitation District has described the applicable requirements in a letter to the Planning Division dated July 2, 2020, attached hereto and incorporated herein as Exhibit "B".
11. Prior to issuance of any demolition permit, grading permit, site improvement permit, or building permit for the Hotel Site, the Applicant must obtain a building permit for the relocation of the Local Landmark structures at 731 First Street and 718 Water Street to 58 Randolph Street.
12. Prior to issuance of a Certificate of Occupancy for either hotel building, the Applicant must obtain Certificates of Occupancy for both Local Landmark structures at 58 Randolph Street.
13. All mechanical and utility equipment, including transformers and backflow devices, shall be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy for the Project.
14. The plans submitted for Building Permit shall include building elevations that provide the same level of architectural detail found on the front elevation for all elevations. The exterior treatment of each building elevation shall be consistent in form and materials, and provide an overall coherent design for the entire building.
15. A detailed landscaping and irrigation plan shall be reviewed and approved by the Community Development Director prior to issuance of Building Permit. All landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.
16. All proposed and required fencing shall be installed in compliance with the approved landscape and fencing plan prior to the issuance of a Certificate of Occupancy.
17. Prior to issuance of a Building Permit, the Developer shall pay all applicable fees at the rates in effect at the time of payment for the Project involved, including but not limited to the Affordable Housing Impact Fee.

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18. The Applicant shall develop a plan demonstrating that the off-road equipment used on-site to construct the Project would achieve a fleet-wide average 84-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines and this equipment shall include CARB-certified Level 3 Diesel Particulate Filters or equivalent. Additionally, equipment that meets U.S. EPA Tier 4 interim standards or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

19. The Applicant shall comply with the following measures to reduce vibration impacts from construction activities:

- a. Avoid impact pile driving where possible. Drilled piers or rammed aggregate piers cause lower vibration levels where geological conditions permit their use.
- b. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.
- c. A list of all heavy construction equipment to be used for this project and anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- d. If pile driving is required, notify neighbors within 500 feet of the construction site of the construction schedule and that there could be noticeable vibration levels resulting from pile driving.
- e. If pile driving is required, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile.
- f. If pile driving is required, jet or partially jet piles into place to minimize the number of impacts required to seat the pile.
- g. A construction vibration monitoring plan shall be implemented to document conditions at all structures located within 50 feet of construction. If pile driving is used the construction vibration monitoring plan shall document all structures within 125 feet prior to, during, and after pile driving. The plan shall be finalized upon receipt of the final foundation design. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:

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- i. Identification of sensitivity to ground-borne vibration of nearby structures. Vibration limits should be applied to all vibration-sensitive structures located within 50 feet of any pile driving activities.
- ii. Performance of a photo survey, elevation survey, and crack monitoring survey for each of structure of normal construction within 90 feet of pile driving activities and/or within 25 feet of other construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any pile driving activity, in regular interval during pile driving, and after completion and shall include internal and external crack monitoring in structures, settlement, and distress and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
- h. Conduct post-survey on structures where complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.
- i. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

20. The Project shall be designed so as not to cause significant off-site flooding impacts as defined by NMC Chapter 17.38.

21. The Applicant shall prepare a Soil Management Plan, Health and Safety Plan, and a Human Health Risk Assessment to Construction Workers to ensure contaminants of concern do not pose human health risks to future construction and utility workers and general public.

22. Consistent with Downtown Napa Specific Plan EIR Mitigation Measure 4.D-2a, an archaeological literature search was completed and found the project site is highly sensitive for archaeological resources. A program of subsurface exploration to sample the historically sensitive areas and the deeper native soils that could contain remnant archaeological resources shall be completed by a qualified archaeologist immediately following building demolition and prior to Project grading. In the event archaeological materials are discovered, the resources will be assessed consistent with Downtown Napa Specific Plan EIR Mitigation Measure Mitigation Measure 4.D-2b.

23. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 7:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start-up of machines or equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials or equipment prior to 7:30 a.m. or equipment past 6:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.

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24. The Applicant shall comply with all mitigation measures from the Downtown Napa Specific Plan Environmental Impact Report Mitigation Monitoring and Reporting Program attached hereto as Exhibit "A" and incorporated herein by reference that are applicable to this Project as determined by the Community Development Director.
25. The Applicant shall obtain a sign permit for all project signage. Temporary signs may be permitted in accordance with NMC 17.55.120.

BUILDING DIVISION

26. As a condition of this Planning approval and prior to Building permit issuance, the applicant shall provide to the Building Division the following at time of Building Permit application: Note: The list below may not be a complete list.

- a. A completed Building Permit application.
- b. 7 complete sets of plans for review and approval.
- c. Building, Planning and Fire Prevention plan review fees are due at time of building permit application, all other building permit, Public Works plan review, and all impact fees are due at time of building permit issuance.
- d. Energy Compliance documentation for review and approval.
- e. Waste Reduction and Recycling Program form for review and approval.
- f. A Geotechnical Soils investigation report may be required for this project.
- g. Fire sprinklers may be required for this project. Note: When fire sprinklers and/or fire alarm systems are required, plans shall be submitted under separate cover.

PUBLIC WORKS CONDITIONS:

27. Prior to issuance of a building permit, the Applicant shall (1) provide evidence to the Public Works Director that a Final Parcel Map has been recorded for the Receiving Site and (2) comply with the conditions of approval in Resolution PC 2018-31.
28. Prior to issuance of a building permit, the Applicant shall obtain a transportation permit from the City of Napa Public Works Department to transport the historic structures to the Receiving Site.

FIRE PREVENTION DIVISION

29. In accordance with the standard mitigation measures and conditions of approval set forth by the City of Napa, the developer shall pay the Fire Impact Fees (see current Standard Fees and Charges adopted by resolution), prior to the issuance of any building permits.

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30. New buildings and additions to existing buildings shall conform to requirements set forth in the currently adopted editions of the California Building Code, California Fire Code, City of Napa standards and Nationally Recognized Standards.
31. There shall be no deferred submittals for fire protection equipment and related utilities. Fire protection plans shall not be attached to or bound with the building plan submittal package. This includes but is not limited to Automatic Fire Sprinkler, Fire Alarm, Fixed Fire Protection and Civil plans.
32. All Fire related underground piping and fire appurtenances shall be shown on the Civil plan submittal. In addition to the Civil plan submittal, (3) plan sets under separate cover shall be submitted detailing all underground piping and related fire appurtenances including but not limited to underground piping, underground sweep detail, underground trench details showing depth of burial, type of backfill, manufacturer's specifications of piping, valves joints, fittings and calculated size and locations of thrust blocks, hydrants locations (designate public or private), gate shut-off valves, PIV's, FDC's, fire pumps, fire pump and/or riser rooms.
33. Underground utility contractor, architect and fire sprinkler contractor shall coordinate the location of risers and control valves prior to the issuance of a building permit.
34. Fire Department plan review shall be based on the information submitted at the time of permit application. Any changes to the approved/permited scope of work including additions, alterations, demolition, repair or a change in occupancy/use may impact the project requirements, including but not limited to the installation of additional fire protection systems or components.
35. An approved water supply capable of supplying the required fire flow for fire protection systems shall be provided to all premises upon which facilities or buildings are hereby constructed or moved into or within the City. Required fire flow and hydrant distribution shall be in accordance with Appendix B and C of the California Fire Code.
36. Fire Protection systems shall be installed in accordance with provisions set forth in NMC Chapter 15.04 and the applicable National Fire Protection Association Standard.
37. The fire protection equipment shall be installed in accordance with provisions set forth in the California Fire Code as amended by the City of Napa and the applicable National Fire Protection Association Standard.
38. Prior to building permit issuance, through the use of AutoTurn or comparable software provide a fire department circulation plan using the City's largest apparatus (ladder truck) and demonstrate clear turning movements into and out of the project. The plan shall include a legend that demonstrates the apparatus

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specifications used. The final design of fire department access components shall be reviewed and approved by the Fire Marshal prior to installation.

39. Fire Apparatus Access Roads shall be designed in accordance with provisions set forth in the California Fire Code Chapter 5 and Appendix D as amended by the City of Napa and the applicable Public Works Standard.
40. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet (curb to curb) and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 71,000 pounds.
41. Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction. Fire apparatus access shall be provided to within 150 feet of the most remote portions of all building from an approved exterior route. If this cannot be achieved fire apparatus turn arounds will be needed.
42. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Vertical traffic calming in the form of speed bumps, humps or dips are prohibited along fire access roads without prior approval of the fire Code Official. The minimum width and clearances established in Section 503.2.1 shall be maintained at all times.
43. When required by the Fire Chief, fire apparatus access roads shall be designated as Fire Lanes and appropriate signs and/or markings installed in accordance with the California Vehicle Code and approved City standards.
44. Where applicable improvement plan submittals for permit shall include locations of fire lane red curbing and fire lane signage. Please refer to and include City Public Works Standard FP-2A & 2B with plan submittals for permitting.

CITY GENERAL CONDITIONS:

45. Unless otherwise specifically provided in this resolution or the Development Agreement, each condition of this approval shall be satisfied prior to the first to occur of: (a) approval of a final map (if this resolution includes the approval of a tentative subdivision map or tentative parcel map), (b) issuance of a building permit, or (c) commencement of any use of land that is authorized by this resolution. An improvement agreement between the City and the Applicant (and landowner, if different) that obligates the Applicant to complete specified conditions of approval will be deemed to be a satisfaction of those specified conditions if: (i) the agreement is accompanied by required security for faithful performance and labor and materials, and (ii) the agreement is approved as to substance by the City Engineer, and approved as to form by the City Attorney.

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46. Applicant 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).
47. The 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.
48. 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.
49. 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.
50. 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.
51. Applicant must comply with all conditions of approval set forth in this Resolution. Violation of any term, condition, mitigation measure or project description relating to this Resolution is unlawful, prohibited and a violation of the NMC and is grounds for revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
52. 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

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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.

53. Approval of the Certificate of Appropriateness shall not become effective unless and until the City Council approves the requested abandonment of a portion of Water Street and Lawrence Street.

54. This resolution shall become effective immediately upon adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 17th day of November 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney